

**NASD DISPUTE RESOLUTION AWARD**  
**NASD DISPUTE RESOLUTION, INC.**

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CASE:01-01693

Robert Morin and Judith Morin, claimants vs. Josephthal & Co., Judith Matthews, and Thomas Endres, respondents.

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**ATTORNEYS:**

For Claimants appeared Robert H. Weiss, Esq., Jericho, NY.

For Respondents, Josephthal & Co. and Thomas Endres, appeared John Bersin, in-house counsel, New York, NY.

Respondent, Judith Matthews, did not respond to the Statement of Claim.

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DATE FILED: April 4, 2001

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**CASE SUMMARY:** Claimants alleged that respondents made unsuitable investment recommendations for their age and investment goals. Claimants further alleged that respondents over-traded their account for the purpose of generating commissions and failed to properly follow their instructions in executing sell orders, and executed purchase orders without their consent.

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**Claim Data**

Claim: \$25,000.00  
Interest: unspecified  
Attorney Fees: unspecified  
Filing Fees: \$.00  
Other: \$.00

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**Award Data**

Award: \$.00  
Interest: \$.00  
Attorney Fees: \$.00  
Filing Fees: \$.00  
Other: \$.00

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**AWARD:** The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) The claims of claimants are dismissed in their entirety. 2) All requests for attorney fees are denied. 3) All requests for interest are denied. 4) All other relief requests are denied. 5) The \$425.00 filing fee previously deposited with NASD Dispute Resolution, Inc. by the claimants, shall be retained by NASD Dispute Resolution, Inc.

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**OTHER FEES:** Pursuant to Rule 10333 of the Code, respondent Josephthal & Co., Inc. has paid to NASD Dispute Resolution, Inc. the \$400.00 Member Surcharge previously invoiced.

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**OTHER ISSUES:** 1) Pursuant to the By-Laws of NASD Dispute Resolution, the arbitrator determined that respondent, Judith Matthews, was served notice of the Statement of Claim and Notification of Arbitrator by regular mail, and Overdue Notice by certified mail, as evidenced by the signed signature card on file, and is therefore bound by the arbitrator's ruling and determination. 2) The Motion for a More Specific Statement filed by respondents Josephthal & Co. and Thomas Endres was denied by the arbitrator.

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Wayne Parker

Sole Public Arbitrator

**AFFIRMATION**

I, Wayne Parker, do hereby affirm, upon my oath as arbitrator that I am the individual described herein who executed this instrument, which is my oath and award.

Wayne Parker  
Wayne Parker

11/26/01  
Signature Date

December 5, 2001  
Date of Service (For NASD-DR office use only)