

**Award**  
**NASD Dispute Resolution, Inc.**

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In the Matter of the Arbitration Between:

Carlin Equities Corporation, (Claimant) vs. Mark (Moshe) Isenberg, (Respondent)

Case Number: 01-01702

Hearing Site: New York, New York

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**REPRESENTATION OF PARTIES**

Claimant Carlin Equities Corporation, hereinafter referred to as "Claimant": David G. Tomeo, Esq., Lowenstein Sandler PC, Roseland, NJ.

Respondent Mark (Moshe) Isenberg, hereinafter referred to as "Respondent", did not enter an appearance in this matter.

**CASE INFORMATION**

Statement of Claim filed on or about: April 4, 2001.

Claimant signed the Uniform Submission Agreement: April 16, 2001.

Respondent did not file a Statement of Answer or sign a Uniform Submission Agreement.

**CASE SUMMARY**

Claimant asserted the following causes of action: failure and refusal to pay for trades; breach of contract; breach of promise; and account stated. Claimant's claim involved stocks identified by the symbols CHKP and RMBS.

**RELIEF REQUESTED**

Claimant requested:

- a. Compensatory damages in the amount of \$770,182.76;
- b. Interest, costs, fees, and any other remedy allowed pursuant to law and the contract between Claimant and Respondent; and
- c. Any and all other relief which is just and equitable.

**OTHER ISSUES CONSIDERED AND DECIDED**

Upon review of the file and the representations made on behalf of the Claimant, the undersigned arbitrators (the "Panel") determined that Respondent has been properly served

with the Statement of Claim and received due notice of the hearing, and that arbitration of the matter would proceed without Respondent present, in accordance with the NASD Code of Arbitration Procedure (the "Code").

Respondent did not file with NASD Dispute Resolution, Inc. a properly executed submission to arbitration but is required to submit to arbitration pursuant to the Code and is bound by the determination of the Panel on all issues submitted.

Claimant, the only party to participate in the hearing in this matter, has agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered.

### **AWARD**

After considering the pleadings, the testimony and evidence presented at the hearing, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondent be and hereby is liable for and shall pay to Claimant the sum of \$770,182.76 as compensatory damages.
2. Respondent be and hereby is liable for and shall pay to Claimant the sum of \$60,580.67, representing pre-judgment interest for the period of April 1, 2001 through February 13, 2002.
3. Respondent be and hereby is liable for and shall pay to Claimant the sum of \$1,250.00, to reimburse Claimant for the filing fee previously paid to NASD Dispute Resolution, Inc.
4. All other requests for relief are hereby denied.

### **FEES**

Pursuant to the Code, the following fees are assessed:

#### **Filing Fees**

NASD Dispute Resolution, Inc. will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee = \$1,250.00

**Member Fees**

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm that employed the associated person at the time of the events giving rise to the dispute. In this matter, Carlin Equities Corporation is a party.

Member surcharge = \$2,000.00  
Pre-hearing process fee = \$ 600.00  
Hearing process fee = \$3,500.00

**Forum Fees and Assessments**

The Panel assesses forum fees for each hearing session conducted. A hearing session is any meeting between the parties and the arbitrators, including a pre-hearing conference with the arbitrators, that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with Panel x \$1,200.00 = \$1,200.00  
Pre-hearing conference: November 19, 2001 1 session  
  
One (1) Hearing session x \$1,200.00 = \$1,200.00  
Hearing Date: February 13, 2002 1 session  

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Total Forum Fees = \$2,400.00

The Panel has assessed all of the forum fees against Respondent.

**Fee Summary**

1. Claimant be and hereby is solely liable for:

Initial Filing Fee = \$1,250.00  
Member Fees = \$6,100.00  
Total Fees = \$7,350.00  
Less payments = \$9,150.00  
Refund Due Claimant = \$1,800.00

*As stated in the "Award" section above, Respondent is liable and shall reimburse Claimant*

*for the \$1,250.00 filing fee.*

2. Respondent be and hereby is solely liable for:

<u>Forum Fees</u>	= \$2,400.00
<u>Total Fees</u>	= \$2,400.00
<u>Less payments</u>	= \$ 0.00
Balance Due NASD Dispute Resolution, Inc.	= \$2,400.00

All balances are due and payable to NASD Dispute Resolution, Inc.


NASD Dispute Resolution, Inc.  
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**ARBITRATION PANEL**

Sandra D. Parker, Esq.	-	Public Arbitrator, Presiding Chair
Martin L. Feinberg, Esq.	-	Public Arbitrator
Mark D. Quinn, Esq.	-	Industry Arbitrator

**Concurring Arbitrators' Signatures**

I, the undersigned arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument which is my award.

  
Sandra D. Parker, Esq.  
Public Arbitrator, Presiding Chair

3/19/02  
Signature Date

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Martin L. Feinberg, Esq.  
Public Arbitrator

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Mark D. Quinn, Esq.  
Industry Arbitrator

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Signature Date

March 27, 2002  
Date of Service (For NASD office use only)

**ARBITRATION PANEL**

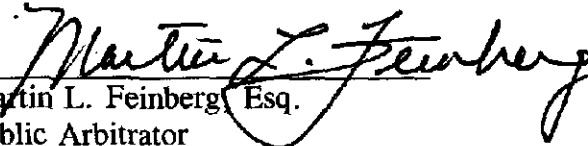
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Public Arbitrator, Presiding Chair

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Signature Date

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Martin L. Feinberg, Esq.  
Public Arbitrator

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3/22/02  
Signature Date

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Mark D. Quinn, Esq.  
Industry Arbitrator

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Signature Date

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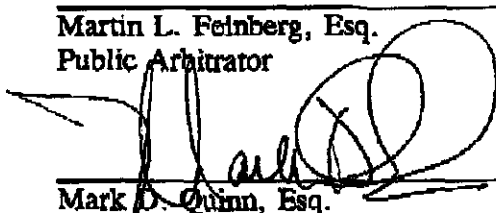
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Public Arbitrator, Presiding Chair

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Signature Date

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Martin L. Feinberg, Esq.  
Public Arbitrator

\_\_\_\_\_  
Signature Date

  
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Mark D. Quinn, Esq.  
Industry Arbitrator

3/26/02  
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Signature Date

March 27, 2002

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Date of Service (For NASD office use only)