

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Tiffany L. Smith v. Credit Suisse First Boston, Vincent Bartolotta and Paul Checketts

Case Number: 01-01921

Hearing Site: Los Angeles, California

REPRESENTATION OF PARTIES

For Claimant:

Robert A. Uhl
Law Offices of Aidikoff & Uhl
Los Angeles, California

For Respondents:

Credit Suisse First Boston

Elizabeth H. Lindh
Keesal, Young & Logan
Long Beach, California

Vincent Bartolotta

Elizabeth H. Lindh
Keesal, Young & Logan
Long Beach, California

Paul Checketts

Elizabeth H. Lindh
Keesal, Young & Logan
Long Beach, California

CASE INFORMATION

Statement of Claim filed on or about April 12, 2001.

Statement of Answer filed by Respondents Credit Suisse First Boston, Vincent Bartolotta and Paul Checketts on or about July 2, 2001.

Claimant's Uniform Submission Agreement filed on or about July 16, 2001.

Respondent Credit Suisse First Boston's Uniform Submission Agreement signed on July 25, 2001.

Respondent Paul Checketts' Uniform Submission Agreement signed on July 25, 2001.

Respondent Vincent Bartolotta's Uniform Submission Agreement signed on July 26, 2001.

CASE SUMMARY

Claimant alleged the following:

1. Breach of Employment Contract;
2. Interference with Business Contractual Relationships;
3. Constructive Termination;
4. Sexual Discrimination; and
5. Failure to Pay Wages

Respondents Credit Suisse First Boston, Vincent Bartolotta and Paul Checketts denied the allegations of wrongdoing set forth in the Claimant's Statement of Claim.

RELIEF REQUESTED

Claimant requested \$1,000,000.00 in compensatory damages, the legal rate of interest on the amount awarded, punitive damages as determined by the Panel, and costs, including attorney's fees.

Respondents Credit Suisse First Boston, Vincent Bartolotta and Paul Checketts requested dismissal of the Claimant's Statement of Claim in its entirety, and costs, including attorney's fees.

OTHER ISSUES CONSIDERED AND DECIDED

At the evidentiary hearing, Respondents Credit Suisse First Boston, Vincent Bartolotta and Paul Checketts motioned for monetary sanctions and expungement of all reference to the above-captioned arbitration from the registration records maintained by the NASD Central Registration Depository ("CRD"). The Panel denied the motion.

The parties 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, testimony, and evidence presented at the hearing, the Panel decided in full and final resolution of the issues submitted for determination as follows:

- 1) Claimant's claims are denied in their entirety.
- 2) The parties shall bear their respective costs, including attorney's fees.
- 3) All other relief requested and not expressly granted is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution received or will collect the non-refundable filing fees for each claim as follows:

Initial claim filing fee	= \$ 375.00
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Member Fees

Member fees are assessed to each member firm that is either a party in the matter or an employer of a respondent associated person at the time of the events that gave rise to the dispute, claim, or controversy. Accordingly, the member firm Credit Suisse First Boston is a party and the following fees are assessed:

Member Surcharge	= \$ 2,000.00
Pre-Hearing Process Fee	= \$ 600.00
Hearing Process Fee	= \$ 3,500.00
Total Member Fees	= \$ 6,100.00

Forum Fees and Assessments

The Panel assessed a forum fee for each pre-hearing conference or hearing session conducted. A session is any meeting between the parties and the Panel or Chairperson, including a pre-hearing conference, that lasts four (4) hours or less. The following fees are assessed:

1 Pre-hearing conference session with a single arbitrator @ \$ 450.00/session	= \$ 450.00
Pre-hearing conference: January 24, 2002 1 session	
1 Pre-hearing conference session with the Panel @ \$1,200.00/session	= \$ 1,200.00
Pre-hearing conference: October 29, 2001 1 session	

10 Hearing sessions @ \$1,200/session		= \$12,000.00
Hearings:		
July 22, 2002	2 sessions	
July 23, 2002	2 sessions	
July 24, 2002	2 sessions	
July 25, 2002	2 sessions	
July 26, 2002	2 sessions	

Total Forum Fees	= \$13,650.00
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The Panel assessed \$ 13,650.00 of the forum fees to Respondent Credit Suisse First Boston pursuant to Armendariz v. Foundation Health Psychcare Services, Inc., 24 Cal. 4th 83, 6 P. 3d 669 (Cal. 2000).

Fee Summary

1. Claimant Tiffany L. Smith is charged with the following fees and costs:

Initial Filing Fee	= \$ 200.00
<u>Less payments</u>	<u>= \$(1,575.00)</u>
Refund Due Claimant	= \$(1,375.00)
2. Respondent Credit Suisse First Boston is charged with the following fees and costs:

Claimant's Initial Filing Fee	= \$ 175.00
Member Fees	= \$ 6,100.00
<u>Forum Fees</u>	<u>= \$13,650.00</u>
Total Fees	= \$19,925.00
<u>Less payments</u>	<u>= \$(6,275.00)</u>
Balance Due NASD Dispute Resolution	= \$ 13,650.00

All balances are payable to NASD Dispute Resolution and are due upon the receipt of the Award pursuant to Rule 10330(g) of the Code.

ARBITRATION PANEL

Kenan Oldham, Esq.	-	Public Arbitrator, Presiding Chair
Ernest L. Burnside, M.A.	-	Public Arbitrator
Jerry L. Murase	-	Public Arbitrator

Concurring Arbitrators' Signatures


Kenan Oldham, Esq.
Chair, Public Arbitrator

8/16/02
Signature Date

Ernest L. Burnside, M.A.
Public Arbitrator

Signature Date

Jerry L. Murase
Public Arbitrator

Signature Date

August 19, 2002
Date of Service
(For NASD use only)

Kenan Oldham, Esq.	-	Public Arbitrator, Presiding Chair
Ernest L. Burnside, M.A.	-	Public Arbitrator
Jerry L. Murase	-	Public Arbitrator

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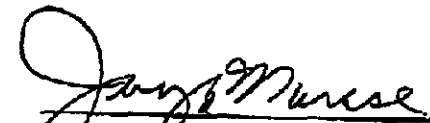
Concurring Arbitrators' Signatures

Kenan Oldham, Esq.
Chair, Public Arbitrator

Signature Date

Ernest L. Burnside, M.A.
Public Arbitrator

Signature Date


Jerry L. Murase
Public Arbitrator

8-15-02
Signature Date

August 19, 2002
Date of Service
(For NASD use only)