

responsible if Larrabee recovers any judgment from A.S. Goldmen.

RELIEF REQUESTED

Claimant requested entry of an award against Respondents for compensatory damages of \$55,148.00; pre-judgment interest at the rate of 10% per annum compounded annually; punitive damages in the sum of \$40,000.00; reasonable attorneys' fees and expenses; costs; post-judgment interest at the rate of 9% per annum; and such other relief as was just.

Respondent requested A.S. Goldmen requested the claims asserted by Claimant be denied; that it be awarded costs and disbursements, including reasonable attorneys' fees; and that in the event an award is entered against A.S. Goldmen, that it recoup the full amount of the judgment from Thomas Mahan.

OTHER ISSUES CONSIDERED & DECIDED

The parties have agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered. In either case, the parties have agreed to receive conformed copies of the Award while the originals remain on file with the NASD.

Respondent Mahan did not file with the NASD Regulation, Inc. Office of Dispute Resolution a properly executed submission to arbitration but is required to submit to arbitration pursuant to Rule 10301 of the NASD Code of Arbitration Procedure (the "Code"). Upon review of the file and the representations made on behalf of the Claimant, the undersigned arbitrators have determined that Respondent Mahan was not served with the Statement of Claim pursuant to Rule 10302 and Rule 10314 of the NASD Code of Arbitration Procedure (the "Code"). The undersigned arbitrators have also determined that Respondent did not receive due notice of the hearing as required under Rule 10315 of the Code. Therefore, the claim and cross-claim against Respondent Thomas Mahan were withdrawn without prejudice by the and the arbitration of the matter proceeded pursuant to Rule 10318 of the Code.

AWARD

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

1. Respondent A.S. Goldmen & Company, Inc. is liable for and shall pay to Claimant Edmund Larrabee the sum of \$25,000.00, plus interest in the amount