

**Award**  
**NASD Dispute Resolution**

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In the Matter of the Arbitration Between:

Name of the Claimant

John Sabo

Case Number: 01-3002

Name of the Respondent

Tucker Anthony Incorporated

Hearing Site: New York, NY

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**REPRESENTATION OF PARTIES**

Claimant, John Sabo ("Sabo"), hereinafter referred to as "Claimant": Ruthann G. Niosi, Esq., Law Offices of Ruthann G. Niosi, New York, NY. Previously represented by Jeffery L. Liddle, Esq., Liddle & Robinson, L.L.P., New York, NY.

Respondent, Tucker Anthony Incorporated ("Tucker"), hereinafter referred to as "Respondent": Kimberly J. Rosner, Esq., Proskauer Rose LLP, New York, NY. Previously represented by Stephen L. Ratner, Esq. and Caroline K. Hall, Esq., Rosenman & Colin LLP, New York.

**CASE INFORMATION**

Statement of Claim filed on or about: June 6, 2001

Claimant, Sabo, signed the Uniform Submission Agreement: May 12, 2001

Statement of Answer filed by Respondent, Tucker, on or about: August 17, 2001

Respondent, Tucker, signed the Uniform Submission Agreement: August 21, 2001

**CASE SUMMARY**

Claimant asserted the following causes of action: breach of contract; promissory estoppel; fraudulent & negligent misrepresentation; quantum meruit; wrongful termination; invasion of privacy; defamation; libel or slander on U5

Unless specifically admitted in its Answer, Respondent Tucker denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

### **RELIEF REQUESTED**

Claimants requested compensatory damages in the total amount of \$8,370,000.00, punitive damages in the amount of \$20,000,000.00, interest, attorney fees, and costs.

Respondent requested the Panel dismiss the Statement of Claim in its entirety; award the costs and expenses of this arbitration; and such other and further relief as is just and proper.

### **OTHER ISSUES CONSIDERED AND 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.

### **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 is liable for and should pay to Claimant the sum of \$480,000.00 as compensatory damages.
2. Any and all relief not specifically addressed herein, including punitive damages, is denied.

### **FEES**

Pursuant to the Code, the following fees are assessed:

#### **Filing Fees**

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

Initial claim filing fee = \$ 600.00

**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. Accordingly, Tucker Anthony Incorporated is a party.

Member surcharge	= \$3,600.00
Pre-hearing process fee	= \$ 600.00
Hearing process fee	= \$5,000.00

**Adjournment Fees**

Adjournments granted during these proceedings for which fees were assessed:

November 14, 15, 22, 25, 2002, adjournment by Tucker	= \$1,200.00
March 13,14, 2003, adjournment by Sabo	= \$1,200.00

**Forum Fees and Assessments**

The Panel has assessed forum fees for each session conducted. A 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 @ \$1,200.00	= \$1,200.00
Pre-hearing conference: March 18, 2002 1 session	
Six (6) Hearing sessions @ \$1,200.00	= \$7,200.00
Hearing Dates: June 3, 2003 2 sessions	
June 4, 2003 2 sessions	
June 5, 2003 2 sessions	
<hr/> Total Forum Fees	<hr/> = \$8,400.00

1. The Panel has assessed \$4,200.00 of the forum fees against Claimant.
2. The Panel has assessed \$4,200.00 of the forum fees against Respondent.

**Fee Summary**

1. Claimant, Sabo, is solely liable for:

Initial Filing Fee	= \$ 600.00
Adjournment Fee	= \$1,200.00
Forum Fees	= \$4,200.00
Total Fees	= \$6,000.00
Less payments	= \$1,800.00
Balance Due NASD Dispute Resolution	= \$4,200.00

2. Respondent, Tucker, is solely liable for:

Member Fees	= \$ 9,200.00
Adjournment Fee	= \$ 1,200.00
Forum Fees	= \$ 4,200.00
Total Fees	= \$14,600.00
Less payments	= \$ 10,400.00
Balance Due NASD Dispute Resolution	= \$ 4,200.00

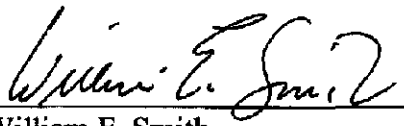
All balances are payable to NASD Dispute Resolution and are due upon receipt pursuant to Rule 10330(g) of the Code.
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**ARBITRATION PANEL**

William E. Smith	-	Public Arbitrator, Presiding Chair
Anthony P. Connolly	-	Public Arbitrator
Frank Irizarry	-	Non-Public 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 is which is my award.

  
\_\_\_\_\_  
William E. Smith  
Public Arbitrator, Presiding Chairperson

6-18-03  
\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Anthony P. Connolly  
Public Arbitrator

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

\_\_\_\_\_  
Frank Irizarry  
Non-Public Arbitrator

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

July 2, 2003  
\_\_\_\_\_  
Date of Service (For NASD Dispute Resolution use only)

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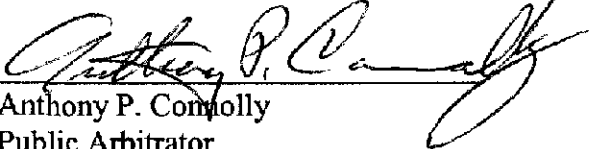
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Signature Date

  
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Anthony P. Connolly  
Public Arbitrator

6/23/03  
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Signature Date

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Non-Public Arbitrator

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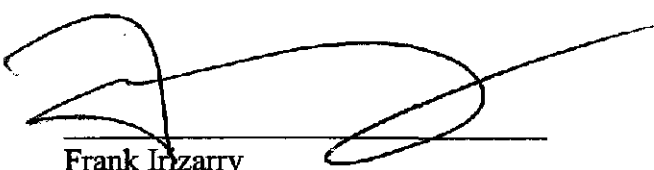
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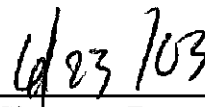
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