

Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Anthony Fioretti and Karen Fioretti (Claimants) vs. J.B. Hanauer & Co., Barry Hugh Zucker, Jeff Wolfe, and Anthony D'Amato (Respondents)

Case Number: 01-06940

Hearing Site: New York, New York

Nature of the Dispute: Customer vs. Member and Associated Persons

REPRESENTATION OF PARTIES

Claimants Anthony Fioretti ("A. Fioretti") and Karen Fioretti ("K. Fioretti") hereinafter collectively referred to as "Claimants": Jerome M. Selvers, Esq., Sonnenblick, Parker & Selvers, Freehold, New Jersey.

Respondents J.B. Hanauer & Co. ("J.B. Hanauer"), Barry Hugh Zucker ("Zucker"), Jeff Wolfe ("Wolfe"), and Anthony D'Amato ("D'Amato") hereinafter collectively referred to as "Respondents": Richard C. Szuch, Esq., Dillon, Bitar, & Luther, L.L.C., Morristown, New Jersey. Previously represented by Richard C. Szuch, Esq., Lowenstein Sandler, PC, Roseland, New Jersey.

CASE INFORMATION

Statement of Claim filed on or about: December 20, 2001.

Claimant A. Fioretti signed the Uniform Submission Agreement.

Claimant K. Fioretti signed the Uniform Submission Agreement.

Joint Statement of Answer filed by Respondents on or about: March 19, 2002.

Respondent J.B. Hanauer signed the Uniform Submission Agreement: January 22, 2002.

Respondent Zucker signed the Uniform Submission Agreement: January 28, 2002.

Respondent Wolfe signed the Uniform Submission Agreement: January 23, 2002.

Respondent D'Amato signed the Uniform Submission Agreement: March 18, 2002.

CASE SUMMARY

Claimants asserted the following causes of action: churning, misrepresentation, unsuitability, fraud, breach of fiduciary duty, unauthorized trading, negligence, breach of contract, respondeat superior, control person liability, aiding and abetting, securities law and self regulatory organization rule violations, over trading of the accounts; and failure to supervise. The causes of action relate to speculative securities, including Microtel, JDSU, Clearworks, Net 2 Phone, and Open Market.

Unless specifically admitted in their Answer, Respondents denied the allegations of wrongdoing set forth in the Statement of Claim and asserted various defenses.

RELIEF REQUESTED

Claimants requested compensatory damages in the amount of \$450,000.00, punitive damages, pre-judgment and post-judgment interest, attorneys' fees and costs associated with this proceeding, and other such relief as the Panel deems equitable, just and necessary.

Respondents requested dismissal of the Statement of Claim, costs, attorneys' fees, expungement of Respondents CRD records, and such other and further relief as the Panel deems appropriate.

OTHER ISSUES CONSIDERED AND DECIDED

On or about February 24, 2003, Claimants entered into a settlement agreement with Respondents.

Arbitrator Michael Silverman disagrees with the Panel's expungement recommendations.

The parties have agreed that the Stipulated Award in this matter may be executed in counterpart copies, or that a handwritten, signed Award may be entered.

AWARD

The claims in this proceeding have been resolved in their entirety by agreement of the parties, without any admission of liability by any party. The parties entered into an agreement to present to the Panel a Stipulated Award. Now, in lieu of a hearing and upon motion of both parties for entry of an award, the written stipulation thereto, the Panel grants the motion and enters this award granting the following relief:

1. The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Barry Hugh Zucker's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondent Barry Hugh Zucker must obtain confirmation from a court of competent jurisdiction before CRD will execute the expungement directive.
2. The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Jeff Wolfe's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondent Jeff Wolfe must obtain confirmation from a court of competent jurisdiction before CRD will execute the expungement directive.

3. The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Anthony D'Amato's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondent Anthony D'Amato must obtain confirmation from a court of competent jurisdiction before CRD will execute the expungement directive

4. 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	= \$ 300.00
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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, J.B. Hanauer & Co. is a party.

Member Surcharge	= \$1,700.00
Pre-Hearing Process Fee	= \$ 750.00
Hearing Process Fee	= \$2,750.00

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. Forum fees associated with these proceedings are:

One (1) Pre-hearing conference session with the full Panel @ \$1,125.00	= \$ 1,125.00
Pre-hearing conference: September 10, 2002	1 session

One (1) Pre-hearing conference with a single arbitrator @ \$450.00	= \$ 450.00
Pre-hearing conference: December 10, 2002	1 session
Total Forum Fees	= \$ 1,575.00

1. The Panel has assessed \$787.50 of the forum fees jointly and severally against Claimants.

2. The Panel has assessed \$787.50 of the forum fees jointly and severally against

Respondents.

Fee Summary

1. Claimants are jointly and severally liable for:

Initial Filing Fee	= \$ 300.00
Forum Fees	= \$ 1,125.00
Total Fees	= \$ 1,425.00
Less payments	= \$ 1,425.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Pursuant to Rule 10332(f) of the Code of Arbitration Procedure, NASD is retaining the total amount of the hearing session deposited by the Claimants because this office was notified by the parties that they settled or withdrew this matter within eight business days of the first scheduled hearing session.

2. Respondent J.B. Hanauer is solely liable for:

Member Fees	= \$ 5,200.00
Total Fees	= \$ 5,200.00
Less payments	= \$ 5,200.00
Balance Due NASD Dispute Resolution	= \$ 0.00

3. Respondents are jointly and severally liable for:

Forum Fees	= \$ 787.50
Total Fees	= \$ 787.50
Less payments	= \$ 787.50
Balance Due NASD Dispute Resolution	= \$ 0.00

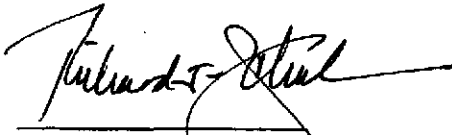
All balances are payable to NASD Dispute Resolution and are due upon receipt pursuant to Rule 10330(g) of the Code.

ARBITRATION PANEL

Richard J. Schulman, Esq.	-	Public Arbitrator, Presiding Chairperson
Michael E. Silverman, Esq.	-	Public Arbitrator
Mark D. Quinn, Esq.	-	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, which is my award.



Richard J. Schulman, Esq.
Public Arbitrator, Presiding Chairperson

6/20/06
Signature Date

Mark D. Quinn, Esq.
Non-Public Arbitrator

Signature Date

Concurring in Part, Dissenting in Part Arbitrator's Signature

The Arbitrator disagrees with the Panel's expungement recommendations.

Michael E. Silverman, Esq.
Public Arbitrator

Signature Date

July 5, 2006

Date of Service (For NASD Dispute Resolution office use only)

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Signature Date

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Non-Public Arbitrator

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Concurring in Part, Dissenting in Part Arbitrator's Signature

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Michael E. Silverman, Esq.
Public Arbitrator

6/21/06

Signature Date

July 5, 2006
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