

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Patrick Eugene Kratus, Claimant v. Robertson Stephens, Inc., Respondent

Case Number: 02-05626

Hearing Site: San Francisco, California

Nature of the Dispute: Associated Person v. Member

REPRESENTATION OF PARTIES

For Claimant:

Patrick Eugene Kratus
In Propria Persona
Berkeley, California

For Respondent:

Michael J. Loeb, Esq.
Bingham McCutchen LLP
San Francisco, California

CASE INFORMATION

Statement of Claim filed: September 18, 2002

Claimant's Uniform Submission Agreement signed: September 16, 2002

Statement of Answer filed by Respondent: December 12, 2002

Respondent's Uniform Submission Agreement signed: December 10, 2002

CASE SUMMARY

Claimant alleged an employment dispute related to compensation due to the closure of the Respondent member firm by its parent company.

Respondent denied the allegations of wrongdoing set forth in the Claimant's Statement of Claim.

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$75,000.00 and costs.

Respondent requested dismissal of the Claimant's Statement of Claim in its entirety and costs, including attorney's fees.

OTHER ISSUES CONSIDERED AND DECIDED

On October 29, 2002, Claimant signed a Waiver Agreement expressly waiving any and all rights and benefits under California Civil Code Section 1542 and the California Ethical Standards for Neutral Arbitrators.

Pursuant to the Code of Arbitration Procedure IM-10100, the waiver of the Claimant shall constitute and operate as a waiver for all member firms and associated persons (including terminated or otherwise inactive member firms or associated persons) against whom the Claim has been filed.

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	= \$ 225.00
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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 Robertson Stephens, Inc. is a party and the following fees are assessed:

Member Surcharge	= \$ 1,100.00
Pre-Hearing Process Fee	= \$ 750.00
<u>Hearing Process Fee</u>	<u>= \$ 1,700.00</u>
Total Member Fees	= \$ 3,550.00

Adjournment Fees

The following adjournment fees are assessed:

February 26, 2004 Hearing Date, adjournment requested by Claimant; fee assessed equally to Claimant and Respondent	= \$ 750.00
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Forum Fees and Assessments

The Panel assessed a forum fee for each pre-hearing conference or hearing session conducted. A pre-hearing conference and hearing session is any meeting between the parties and the Chair/Panel. The following fees are assessed:

One (1) Pre-hearing conference session with a single arbitrator @ \$450.00/session = \$ 450.00	
Pre-hearing conference(s): February 2, 2004 1 session	

Two (2) Pre-hearing conference sessions with the Panel @ \$750.00/session = \$ 1,500.00	
Pre-hearing conferences: November 25, 2003 1 session	
April 5, 2004 1 session	

One (1) Hearing sessions @ \$750.00/session = \$ 750.00	
Hearing: April 6, 2004 1 session	

Total Forum Fees	= \$ 2,700.00
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1. The Panel assessed \$1,350.00 of the forum fees to Claimant.
2. The Panel assessed \$1,350.00 of the forum fees to Respondent.

Fee Summary

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

Initial Filing Fee	= \$ 225.00
Adjournment Fee	= \$ 375.00
<u>Forum Fees</u>	<u>= \$ 1,350.00</u>
Total Fees	= \$ 1,950.00
<u>Less payments</u>	<u>= \$(1,350.00)</u>
Balance Due NASD Dispute Resolution	= \$ 600.00

2. Respondent is charged with the following fees and costs:

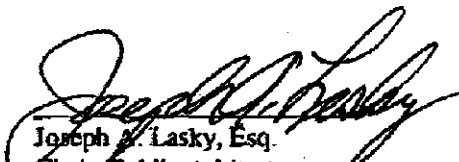
Member Fees	= \$ 3,550.00
Adjournment Fee	= \$ 375.00
<u>Forum Fees</u>	<u>= \$ 1,350.00</u>
Total Fees	= \$ 5,275.00
<u>Less payments</u>	<u>= \$(3,925.00)</u>
Balance Due NASD Dispute Resolution	= \$ 1,350.00

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

Joseph A. Lasky, Esq.	-	Public Arbitrator, Presiding Chair
Gail Killefer, Esq.	-	Public Arbitrator
Frank Weaver, Esq.	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures


Joseph A. Lasky, Esq.
Chair, Public Arbitrator

4/6/04
Signature Date

Gail Killefer, Esq.
Public Arbitrator

Signature Date

Frank Weaver, Esq.
Non-Public Arbitrator

Signature Date

4/07/04
Date of Service

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Frank Weaver, Esq.	-	Non-Public Arbitrator

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Joseph A. Lasky, Esq.
Chair, Public Arbitrator

Signature Date



Gail Killefer, Esq.
Public Arbitrator

4/7/04

Signature Date

Frank Weaver, Esq.
Non-Public Arbitrator

Signature Date

4/07/04

Date of Service

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Signature Date

4/07/04
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