

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 02-06246

Allan Marks and Catherine Fiasca, claimants vs. Herbert N. Rosenberg and Janney Montgomery Scott LLC, respondents.

ATTORNEYS:

Claimants appeared Lucy Emhardt, of Fordham University School of Law, New York, NY.

For Respondents appeared Carrie L. Chelko, Esq., of the firm Saul Ewing, LLP, Philadelphia, PA.

DATE FILED: October 18, 2002

CASE SUMMARY: Claimants alleged that respondents mismanaged their account by excessively trading. Claimants did not specify the types of securities involved. Claimants maintained that because of respondents' actions, their account suffered a loss.

Claim Data

Claim: \$21,000.00
Attorney Fees: Unspecified
Filing Fees: Unspecified
Other: Unspecified

Award Data

Award: \$.00
Attorney Fees: \$.00
Filing Fees: \$212.50
Other: \$.00

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) The claims of claimant are dismissed in their entirety. 2) All requests for attorney fees are denied. 3) All other relief requests are denied. 4) The \$425.00 filing fee previously deposited with NASD Dispute Resolution by the claimant, shall be retained by NASD Dispute Resolution. 5) Respondent, Janney Montgomery Scott LLC is liable and shall pay claimant \$212.50 as reimbursement of one half of the filing fee. 6) Respondent Herbert N. Rosenberg's request for expungement from his Central Registration Depository "CRD" record is denied.

OTHER FEES: Pursuant to Rule 10333 of the Code, respondent, Janney Montgomery Scott LLC, has paid to NASD Dispute Resolution the \$425.00 Member Surcharge previously invoiced.

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Gary W. Sherbell, Esq.

Sole Public Arbitrator

AFFIRMATION

I, Gary W. Sherbell, Esq., 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.

Gary Sherbell
Gary W. Sherbell, Esq.

5/13/03
Signature Date

May 19, 2003
Date of Service (For NASD-DR office use only)