

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

AMR Capital Trading Corporation (Claimant) vs. Jonathan Botier (Respondent)

Case Number: 02-06533

Hearing Site: New York, New York

REPRESENTATION OF PARTIES

Claimant, AMR Capital Trading Corporation, hereinafter referred to as "Claimant":
Michael H. Ference, Esq., Sichenzia Ross Friedman Ference LLP, New York, NY.

Respondent, Jonathan Botier, hereinafter referred to as "Respondent": appeared *pro se*.

CASE INFORMATION

Statement of Claim filed on or about: October 28, 2002.

Claimant submitted a duly executed Uniform Submission Agreement that was not dated.

Respondent filed a Statement of Answer on or about June 16, 2003.

Respondent did not submit a Uniform Submission Agreement.

CASE SUMMARY

Claimant asserted the following causes of action: breach of trading protocol agreement.

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

RELIEF REQUESTED

Claimant requested judgment against Botier in the amount of \$83,233.00, plus interest accrued thereon from July 9, 2002, and costs, including reasonable attorneys' fees.

OTHER ISSUES CONSIDERED AND DECIDED

On May 20, 2003 Claimant filed a Motion for Default Judgment. By letter dated June 16, 2003, the parties were advised by NASD Dispute Resolution that because Respondent

filed an Answer, the default proceedings were terminated pursuant to Rule 10314 (e) of the NASD Code of Arbitration Procedure (the "Code").

Respondent did not file with NASD Dispute Resolution a properly executed Uniform Submission Agreement but is required to submit to arbitration pursuant to the Code and having filed an Answer and participated in the hearing is bound by the determination of the Panel on all issues submitted.

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 shall pay to the Claimant the sum of \$57,733.29 plus interest at the broker's call rate of 2.75% accruing from the date of award until the award is paid.
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 = \$225.00

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 @ \$750.00 = \$750.00
Pre-hearing conference: May 6, 2003 1 session

Two (2) Hearing sessions with Panel @ \$750.00 = \$1,500.00
Hearing Date: August 20, 2003 2 sessions

Total Forum Fees = \$2,250.00

1. The Panel has assessed \$1,125.00 of the forum fees against the Claimant.
2. The Panel has assessed \$1,125.00 of the forum fees against the Respondent.

Fee Summary

1. Claimant is solely liable for:	
Initial Filing Fee	= \$ 225.00
Forum Fees	= \$1,125.00
Total Fees	= \$1,350.00
Less payments	= \$ 975.00
Balance Due NASD Dispute Resolution	= \$ 375.00
2. Respondent is solely liable for:	
Forum Fees	= \$1,125.00
Total Fees	= \$1,125.00
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$1,125.00

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

Michael G. Shannon, Esq.	-	Non-Public Arbitrator, Presiding Chair
Michael T. Curley	-	Non-Public Arbitrator
Alexander Stewart Barnes	-	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.

Michael G. Shannon
Michael G. Shannon, Esq
Non-Public Arbitrator, Presiding Chairperson

9-8-03
Signature Date

Michael T. Curley
Michael T. Curley
Non-Public Arbitrator

Signature Date

Alexander Stewart Barnes
Alexander Stewart Barnes
Non-Public Arbitrator

Signature Date

September 19, 2003

Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL

Michael G. Shannon, Esq.	-	Non-Public Arbitrator, Presiding Chair
Michael T. Curley	-	Non-Public Arbitrator
Alexander Stewart Barnes	-	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.

Michael G. Shannon, Esq
Non-Public Arbitrator, Presiding Chairperson

Signature Date

Michael T. Curley
Non-Public Arbitrator

Signature Date



Alexander Stewart Barnes
Non-Public Arbitrator

9.13.03

Signature Date

September 19, 2003

Date of Service (For NASD Dispute Resolution use only)

