

**Stipulated Award
NASD Dispute Resolution**

In the Matter of the Arbitration Between:

Douglas P. Makin (Claimant) v. Kaufman Bros., L.P (Respondent)

Case Number: 02-06638

Hearing Site: New York, New York

Nature of the Dispute: Associated Person vs. Member

REPRESENTATION OF PARTIES

Claimant Douglas P. Makin ("Claimant"): Michael E. Grenert, Esq., Liddle & Robinson, L.L.P., New York, New York.

Respondent Kaufman Bros., L.P. ("Respondent"): Steven R. Paradise, Esq., Vinson & Elkins, New York, New York.

CASE INFORMATION

Statement of Claim filed on or about: November 4, 2002.

Amended Statement of Claim filed on or about: July 11, 2003.

Claimant signed the Uniform Submission Agreement: October 28, 2002.

Statement of Answer filed by Respondent on or about: January 21, 2003.

Answer to Amended Statement of Claim filed on or about: July 7, 2005.

Respondent signed the Uniform Submission Agreement: January 21, 2003.

CASE SUMMARY

Claimant asserted the following causes of action in its Claim and Amended Claim: breach of express contract; breach of implied contract; unjust enrichment; violation of ERISA; wrongful termination; violation of the New York Labor Law; defamation; tortious interference with prospective economic advantage; and, injurious falsehood.

Unless specifically admitted in its Answer or Answer to the Amended Claim, Respondent denied the allegations of wrongdoing set forth in the Statement of Claim and Amended Claim and asserted various affirmative defenses.

RELIEF REQUESTED

Claimant requested that the Panel award him contractual damages in the amount of \$27,500.00; punitive damages in the amount of \$82,500.00; interest at the statutory rate of 9% per annum on all claims from the date said amounts were due; liquidated

damages; attorneys' fees; costs in the amount of \$2,125.00; compensatory damages; general damages; an order expunging and amending Claimant's Form U-5; reimbursement of business expenses; and, any further relief that the Panel deems just and proper.

Respondent requested dismissal of the Statement of Claim and Amended Claim in their entirety; that Respondent be awarded its attorneys' fees and costs in defending this proceeding; and, such other relief as may be just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

On or about July 12, 2006, the parties entered into a confidential settlement agreement and determined to submit this Stipulated Award to the Panel for signature.

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

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 an 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 the termination comment contained in Section 3 of the Form U-5 filed with CRD by Respondent Kaufman Bros., L.P. (CRD 37909) on behalf of Claimant Douglas P. Makin (CRD 2594919). The existing termination comment (i.e., "insubordination") is to be expunged and replaced with "Non-regulatory reason." The expungement recommendation is being made based on the defamatory nature of the information contained in Claimant's CRD record maintained by the NASD Central Registration Depository (CRD).
2. Any and all relief not specifically addressed herein 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 persons at the time of the events giving rise to the dispute. In this matter, the member firm Kaufman Bros., L.P., 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 Panel @ \$1,125.00 per session
= \$ 1,125.00

Pre-hearing conference: April 25, 2005	1 session
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Total Forum Fees	= \$ 1,125.00

1. The Panel has assessed \$562.50 of the forum fees against the Claimant.
2. The Panel has assessed \$562.50 of the forum fees against the Respondent.

Fee Summary

1. Claimant is solely liable for:

Initial Filing Fee	= \$ 300.00
Forum Fees	= \$ 562.50
Total Fees	= \$ 862.50
Less payments	= \$ 2,125.00
Refund Due the Claimant	= \$ 1,262.50

2. Respondent Kaufman Bros., L.P. is solely liable for:

Member Fees	= \$ 5,200.00
Forum Fees	= \$ 562.50
Total Fees	= \$ 5,762.50
Less payments	= \$ 5,200.00
Balance Due NASD Dispute Resolution	= \$ 562.50

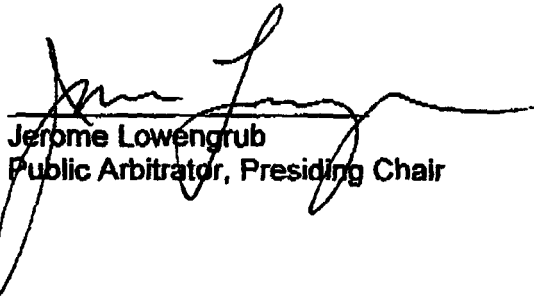
All balances are payable to NASD Dispute Resolution and are due upon receipt pursuant to Rule 1033(g) of the Code.

ARBITRATION PANEL

Jerome Lowengrub	-	Public Arbitrator, Presiding Chairperson
Rena E. Grossfield	-	Public Arbitrator
Lawrence D. McGovern	-	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.


Jerome Lowengrub
Public Arbitrator, Presiding Chair

8/3/06
Signature Date

Rena E. Grossfield
Public Arbitrator

Signature Date

Lawrence D. McGovern
Non-Public Arbitrator

Signature Date

September 6, 2006
Date of Service (For NASD office use only)

ARBITRATION PANEL

Jerome Lowengrub	-	Public Arbitrator, Presiding
Chairperson		
Rena E. Grossfield	-	Public Arbitrator
Lawrence D. McGovern	-	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.

Jerome Lowengrub
Public Arbitrator, Presiding Chair

Signature Date

Rena E. Grossfield
Rena E. Grossfield
Public Arbitrator

Aug. 3, 2006
Signature Date

Lawrence D. McGovern
Non-Public Arbitrator

Signature Date

September 6, 2006
Date of Service (For NASD office use only)

ARBITRATION PANEL

Jerome Lowengrub	-	Public Arbitrator, Presiding Chairperson
Rena E. Grossfield	-	Public Arbitrator
Lawrence D. McGovern	-	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.

Jerome Lowengrub
Public Arbitrator, Presiding Chair

Signature Date

Rena E. Grossfield
Public Arbitrator

Signature Date



Lawrence D. McGovern
Non-Public Arbitrator

August 7, 2006
Signature Date

September 6, 2006
Date of Service (For NASD office use only)