

**NASD DISPUTE RESOLUTION AWARD**  
**NASD DISPUTE RESOLUTION**

CASE: 03-01037

Lee Douglas Johnson, Claimant vs. Janice A. Mizzi and Bret J. Bergmoser, Respondents.

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**ATTORNEYS:**

Claimant, Lee Douglas Johnson, ("Claimant") appeared pro se., Warren, MI.

Respondents, Janice A. Mizzi and Bret J. Bergmoser, (collectively "Respondents"), appeared through their in-house counsel Heather A. Wright, Esq., New York, NY.

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**DATE FILED:** February 11, 2003

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**CASE SUMMARY:** Claimant alleged that Respondents breached their fiduciary duty and failed to execute his instructions regarding his investment account. Claimant maintained that due to Respondents' actions, he suffered financial losses.

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**Claim Data**

Claim: \$24,500.00  
Filing Fees: \$425.00  
Other: Unspecified

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**Award Data**

Award: \$3,127.50  
Filing Fees: \$212.50  
Other: \$.00

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**AWARD:** The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) Respondents are jointly and severally liable and shall pay to the Claimant \$3,127.50. 2) All other relief requests are denied. 3) The \$425.00 filing fee previously deposited with NASD Dispute Resolution by the Claimant, shall be retained by NASD Dispute Resolution. 4) Respondents are jointly and severally liable and shall pay Claimant \$212.50 as reimbursement of one half of the filing fee.

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**OTHER FEES:** Pursuant to Rule 10333 of the Code, UBS PaineWebber, Inc. has paid to NASD Dispute Resolution the \$425.00 Member Surcharge previously invoiced.

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Award 03-01037

David L. Rosenthal

Sole Public Arbitrator

**AFFIRMATION**

I, David L. Rosenthal, do hereby affirm, upon my oath as arbitrator that I am the individual described herein who executed this instrument, which is my oath and award.

A handwritten signature in black ink, appearing to read 'David L. Rosenthal', written over a horizontal line.

David L. Rosenthal

July 06, 2003  
Signature Date

July 17, 2003  
Date of Service (For NASD-DR office use only)