

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Anthony Catapano (Claimant) vs. Charles Schwab & Co., Inc. (Respondent)

Case Number: 03-01288

Hearing Site: New York, New York

Nature of Dispute: Customer vs. Member

REPRESENTATION OF PARTIES

Claimant, Anthony Catapano ("Catapano"): Richard J. Babnick Jr., Esq., Sichenzia Ross Friedman, Ference, LLP, New York, NY

Respondent, Charles Schwab & Co., ("Schwab"): Brandon K. Hemley, Esq., Charles Schwab & Co., Inc., San Francisco, CA.

CASE INFORMATION

Statement of Claim filed on or about: February 19, 2003.
Claimant signed the Uniform Submission Agreement.

Statement of Answer filed by Respondent on or about: April 17, 2003.
Respondent signed the Uniform Submission Agreement: April 17, 2003

CASE SUMMARY

Claimant asserted the following causes of action: breach of fiduciary duty, fraud, unsuitable investments, failure to supervise; control person liability, misrepresentations and respondeat superior. Claimant's claim involved unspecified stocks.

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

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$34,076.00, together with interest, NASD costs and attorneys' fees.

Respondent requested that claimant's claims be dismissed in their entirety, and that respondent be awarded its costs and other relief as the Panel deems just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

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. Claimant's claims are hereby dismissed in their entirety.
2. Any and all relief not specifically addressed herein, are 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 | = \$175.00 |
|--------------------------|------------|

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firms that employed the associated persons at the time of the events giving rise to the dispute. Accordingly, Charles Schwab & Co., Inc. is a party.

| | |
|-------------------------|--------------|
| Member surcharge | = \$875.00 |
| Pre-hearing process fee | = \$750.00 |
| Hearing process fee | = \$1,000.00 |

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 @ \$600.00 | = \$600.00 |
| Pre-hearing conference: August 6, 2003 | 1 session |

| | |
|--|--------------|
| Three (3) Hearing sessions with Panel @ \$600.00 | = \$1,800.00 |
| Hearing Dates: November 13, 2003 | 2 sessions |
| November 14, 2003 | 1 session |
| Total Forum Fees | = \$2,400.00 |

1. The Panel has assessed \$1,200.00 of the forum fees against Claimant.
2. The Panel has assessed \$1,200.00 of the forum fees against Respondent.

Fee Summary

| | |
|-------------------------------------|---------------|
| 1. Claimant is solely liable for: | |
| Initial Filing Fee | = \$ 175.00 |
| Forum Fees | = \$ 1,200.00 |
| Total Fees | = \$ 1,375.00 |
| Less payments | = \$ 1,225.00 |
| Balance Due NASD Dispute Resolution | = \$ 150.00 |
| 2. Respondent is solely liable for: | |
| Member Fees | = \$ 2,625.00 |
| Forum Fees | = \$ 1,200.00 |
| Total Fees | = \$ 3,825.00 |
| Less payments | = \$ 2,625.00 |
| Balance Due NASD Dispute Resolution | = \$ 1,200.00 |

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|---|
| 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

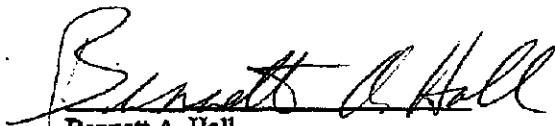
| | | |
|----------------------------|---|------------------------------------|
| Richard Harbus, Esq. | - | Public Arbitrator, Presiding Chair |
| Bennett A. Hall | - | Public Arbitrator |
| Bernard A. Kesselman, Esq. | - | Non-Public Arbitrator |

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.

Richard Harbus, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date


Bennett A. Hall
Public Arbitrator


Signature Date

Bernard A. Kesselman, Esq.
Non-Public Arbitrator

Signature Date

December 8, 2003

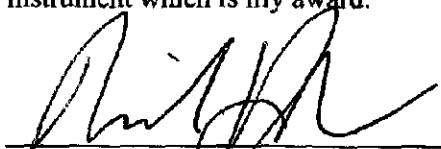
Date of Service (For NASD Dispute Resolution use only)

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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.



Richard Harbus, Esq.
Public Arbitrator, Presiding Chairperson

11/20/03

Signature Date

Bennett A. Hall
Public Arbitrator

Signature Date

Bernard A. Kesselman, Esq.
Non-Public Arbitrator

Signature Date

December 8, 2003

Date of Service (For NASD Dispute Resolution use only)

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Concurring Arbitrators' Signatures

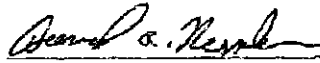
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Richard Harbus, Esq.
Public Arbitrator, Presiding Chairperson

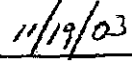
Signature Date

Bennett A. Hall
Public Arbitrator

Signature Date



Bernard A. Kesselman, Esq.
Non-Public Arbitrator



Signature Date

December 8, 2003

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