

**Award**  
**NASD Dispute Resolution**

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In the Matter of the Arbitration Between:

Sewall F. Hodges (Claimant) v. Scudder Investor Services, Inc. (Respondent)

Case Number: 03-01597

Hearing Site: New York, New York

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Nature of the Dispute: Associated Person vs. Member.

**REPRESENTATION OF PARTIES**

Claimant Sewall F. Hodges ("Hodges") hereinafter referred to as "Claimant": Daniel A. Pollack, Esq., Pollack & Kaminsky, New York, NY.

Respondent Scudder Investor Services, Inc. ("Scudder") hereinafter referred to as "Respondent": Kerry M. Parker, Esq., Epstein Becker & Green, P.C., Newark, NJ.

**CASE INFORMATION**

Statement of Claim filed on or about: March 4, 2003.

Claimant signed the Uniform Submission Agreement: February 19, 2003.

Statement of Answer filed by Respondent on or about: June 4, 2003.

Respondent signed the Uniform Submission Agreement: May 13, 2003.

**CASE SUMMARY**

Claimant asserted the following causes of action: failure to pay compensation owed to him.

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 \$984,000.00, plus interest; costs and expenses of this proceeding; and such other relief as the Arbitrators deem just and appropriate.

Respondent requested that the Panel dismiss Claimant's Statement of Claim, imposing all of the costs of this proceeding, including the Panel's compensation, on Claimant, and awarding such other relief as the Panel deems appropriate.

**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, and 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. The claims of Claimant are hereby dismissed in their entirety.
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 = \$375.00

**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 person at the time of the events giving rise to the dispute. Accordingly, Scudder Investor Services, Inc. is a party.

Member surcharge = \$2,250.00

Pre-hearing process fee = \$ 750.00

Hearing process fee = \$4,000.00

**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:

Two (2) Pre-hearing sessions with a single arbitrator @ \$450.00 = \$ 900.00

Pre-hearing conferences: December 2, 2003 1 session

December 23, 2003 1 session

One (1) Pre-hearing session with Panel @ \$1,200.00 = \$1,200.00

Pre-hearing conference: November 12, 2003 1 session

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Two (2) Hearing sessions @ \$1,200.00	= \$2,400.00
Hearing Date: January 21, 2004      2 sessions	
Total Forum Fees	= \$4,500.00

1. The Panel has assessed \$2,250.00 of the forum fees against Claimant.
2. The Panel has assessed \$2,250.00 of the forum fees against Respondent.

**Fee Summary**

1. Claimant is solely liable for:	
Initial Filing Fee	= \$ 375.00
Forum Fees	= \$2,250.00
Total Fees	= \$2,625.00
Less payments	= \$1,575.00
Balance Due NASD Dispute Resolution	= \$1,050.00
2. Respondent is solely liable for:	
Member Fees	= \$7,000.00
Forum Fees	= \$2,250.00
Total Fees	= \$9,250.00
Less payments	= \$7,000.00
Balance Due NASD Dispute Resolution	= \$2,250.00

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**

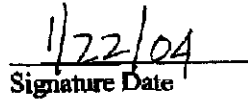
Vicki Z. Holleman, Esq.	-	Non-Public Arbitrator, Presiding Chair
John J. Lynch, Jr.	-	Non-Public Arbitrator
Edward Buscemi	-	Non-Public Arbitrator

**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.



Vicki Z. Holleman, Esq.  
Non-Public Arbitrator, Presiding Chairperson

  
Signature Date

\_\_\_\_\_  
John J. Lynch, Jr.  
Non-Public Arbitrator

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Edward Buscemi  
Non-Public Arbitrator

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Signature Date

\_\_\_\_\_  
Date of Service (For NASD Dispute Resolution use only)

NASD REGULATION

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**ARBITRATION PANEL**

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John J. Lynch, Jr.	-	Non-Public Arbitrator
Edward Buscemi	-	Non-Public Arbitrator

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Non-Public Arbitrator, Presiding Chairperson

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Signature Date

  
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John J. Lynch, Jr.  
Non-Public Arbitrator

1/22/04  
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Signature Date

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Edward Buscemi  
Non-Public Arbitrator

\_\_\_\_\_  
Signature Date

January 23, 2004  
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ARBITRATION PANEL

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