

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

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In the Matter of the Arbitration Between:

Fred Fatzler (Claimant) vs. Joseph C. Quattrochi (Respondent)

Case Number: 03-01695

Hearing Site: New York, New York

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Nature of the Dispute: Customer vs. Associated Person

**REPRESENTATION OF PARTIES**

Claimant Fred Fatzler ("Fatzler") hereinafter referred to as "Claimant" appeared *pro se*.

Respondent Joseph Quattrochi ("Quattrochi") hereinafter referred to as "Respondent" appeared *pro se*.

**CASE INFORMATION**

Statement of Claim filed on or about: March 5, 2003.

Claimant signed the Uniform Submission Agreement: February 28, 2003.

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

Respondent signed the Uniform Submission Agreement: May 20, 2003.

**CASE SUMMARY**

Claimant asserted the following causes of action: unauthorized use of margin.  
Claimant's claim involved unspecified securities.

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:

Compensatory Damages	\$275,000.00
Interest	\$277,000.00
Filing Fees	\$ 1,700.00
Attorneys' Fees:	Unspecified
Other Case-Related Costs:	Unspecified

Respondent requested that the Panel dismiss Claimant's claim.

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### **OTHER ISSUES CONSIDERED AND DECIDED**

Upon review of the file and the representations made by the Claimant, the undersigned arbitrators (the "Panel") determined that Respondent Quattrochi has been properly served with the Statement of Claim and received due notice of the hearing and that arbitration of the matter would proceed without said Respondent present, in accordance with the NASD Code of Arbitration Procedure (the "Code").

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 Panel affirms the award in the court judgment in the amount of \$275,000.00, plus statutory interest from the date of the award until the award is paid.
2. Respondent is liable for and shall pay to Claimant the sum of \$300.00, to reimburse Claimant for the filing fee previously paid to NASD Dispute Resolution.
3. 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 person at the time of the events giving rise to the dispute. Accordingly, LCP Capital Corp. is the Respondent's former firm.

Member surcharge	= Waived
Pre-hearing process fee	= Waived
Hearing process fee	= Waived

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### 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 @ \$1,125.00 = \$1,125.00  
 Pre-hearing conference: October 8, 2003 1 session

One (1) Hearing session @ \$1,125.00 = \$1,125.00

Hearing Date: November 13, 2003 1 session

Total Forum Fees = \$2,250.00

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

### Fee Summary

1. Claimant is solely liable for:

Initial Filing Fee = \$ 300.00

Total Fees = \$ 300.00

Less payments = \$1,700.00

Refund Due to Claimant = \$1,400.00

*As stated in the "Award" section above, Respondent is liable for and shall reimburse Claimant for the \$300.00 filing fee.*

2. Respondent is solely liable for:

Forum Fees = \$2,250.00

Total Fees = \$2,250.00

Less payments = \$ 0.00

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**

William Tanner	-	Public Arbitrator, Presiding Chair
Richard A. Jacobs	-	Public Arbitrator
Scott L. Fagin	-	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.



William Tanner  
Public Arbitrator, Presiding Chairperson

December 10, 2003  
Signature Date

\_\_\_\_\_  
Richard A. Jacobs  
Public Arbitrator

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

\_\_\_\_\_  
Scott L. Fagin  
Non-Public Arbitrator

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

December 12, 2003  
Date of Service (For NASD Dispute Resolution use only)

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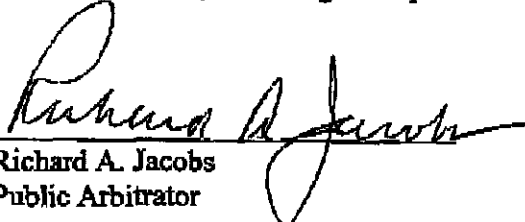
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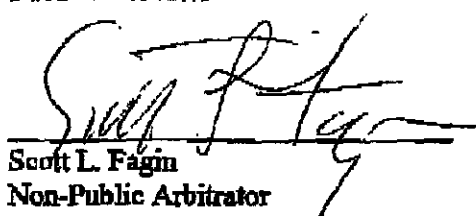
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12/1/03  
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Signature Date

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