

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

CASE: 03-02860

John Murphy, Claimant/Counterclaim Respondent v. A.B. Watley, Inc.,  
Respondent/Counterclaimant.

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**ATTORNEYS:**

Claimant, John Murphy, ("Claimant/Counterclaim Respondent"), appeared pro se, Beltsville, MD.

For Respondent, A.B. Watley, Inc., ("Respondent/Counterclaimant"), appeared Sameer Rastogi,  
Esq., New York, NY.

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**NATURE OF DISPUTE:** Customer v. Member

**NATURE OF COUNTERCLAIM DISPUTE:** Member v. Customer

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**DATE FILED:** April 17, 2003

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**CASE SUMMARY:** Claimant/Counterclaim Respondent alleged that Respondent/Counterclaim charged his account a monthly penalty of \$50.00 without disclosing such intention to him. Claimant/Counterclaim Respondent maintained that due to Respondent/Counterclaimant's action, his personal account suffered financial losses.

**COUNTERCLAIM SUMMARY:** Respondent/Counterclaimant alleged that Counterclaim Respondent breached his settlement agreement. Respondent/Counterclaimant maintained that due to Counterclaim/Respondent's action, the corporation suffered financial losses.

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**Claim Data**

Claim: \$2,000.00  
Interest: \$18.66  
Filing Fees: \$75.00  
Other: Unspecified

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**Award Data**

Award: \$300.00  
Interest: \$.00  
Filing Fees: \$75.00  
Other: \$.00

**Counterclaim Data**

Claim: \$700.00  
Filing Fees: \$225.00  
Other: Unspecified

**Award Data**

Award: \$.00  
Filing Fees: \$.00  
Other: \$.00

**AWARD:** The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) Respondent/Counterclaimant is liable and shall pay to the Claimant/Counterclaim Respondent \$300.00. 2) All requests for interest are denied. 3) All other relief requests are denied. 4) NASD Dispute Resolution shall retain the \$75.00 filing fee that the Claimant/Counterclaim Respondent deposited previously. 5) Respondent/Counterclaimant is liable and shall pay to the Claimant/Counterclaim Respondent \$75.00 as reimbursement of the filing fee.

**COUNTERCLAIM AWARD:** The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) The claims of Respondent/Counterclaimant are dismissed in their entirety. 2) All other relief requests are denied. 3) Respondent/Counterclaimant shall pay to the NASD Dispute Resolution the \$225.00 Counterclaim filing fee previously assessed.

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**OTHER FEES:** Pursuant to Rule 10333 of the Code, Respondent/Counterclaim has paid to NASD Dispute Resolution the \$150.00 Member Surcharge previously invoiced.

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Page Three  
Award 03-02860

Joseph O'Donnell

Sole Public Arbitrator

**AFFIRMATION**

I, Joseph O'Donnell, 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.

Joseph O'Donnell  
Joseph O'Donnell

Dec. 15, 2003  
Signature Date

January 2, 2004  
Date of Service (For NASD-DR office use only)