

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 03-02974

David Qualey, Laura Qualey, and David Trinkoff, Claimants vs. Thomas F. Ercolano, Respondent.

ATTORNEYS:

Claimants, David Qualey, Laura Qualey, and David Trinkoff, (collectively "Claimants"), appeared through their in-house counsel, Howard Sendrovitz, Esq., New York, NY.

For Respondent, Thomas F. Ercolano, ("Respondent") appeared Ernest Edward Badway, Esq. of the Law Offices of Saiber Schlesinger Satz & Goldstein, LLC., Newark, NJ.

DATE FILED: April 22, 2003

CASE SUMMARY: Claimants requested an expungement of all reference to NASD-DR Arbitration Case No. 01-01164 entitled Dean Witter Reynolds, Inc. v Thomas F. Ercolano v. David Qualey, David Trinkoff and Laura Qualey from their CRD records maintained by the NASD Central Registration Depository.

Claim Data

Expungement

Award Data

Award: Granted

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) The arbitrator recommends the expungement of all reference to NASD-DR Arbitration Case No. 01-01164 entitled Dean Witter Reynolds, Inc. v Thomas F. Ercolano v David Qualey, David Trinkoff, and Laura Qualey from Claimants, David Qualey's, Laura Qualey's, and David Trinkoff's registration records maintained by the NASD Central Registration Depository ("CRD") with the understanding that pursuant to NASD Notice to Members 99-09, Claimants, David Qualey, Laura Qualey, and David Trinkoff must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive. 6) The \$1250.00 filing fee previously deposited with NASD Dispute Resolution by the Claimants, shall be retained by NASD Dispute Resolution.

OTHER FEES: Pursuant to Rule 10333 of the Code, Morgan Stanley, Dean Witter Inc. has not paid to NASD Dispute Resolution the \$1,500.00 Member Surcharge previously invoiced.

Page Two
Award 03-02974

Mitchel Flaum

Sole Public Arbitrator

AFFIRMATION

I, Mitchel Flaum , 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.

Mitchel Flaum
Mitchel Flaum

Sept. 19, 2003
Signature Date

October 1, 2003
Date of Service (For NASD-DR office use only)