

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Robert M. Neal and Joseph Pellitteri (Claimants) v. Dresdner Kleinwort Wasserstein, Inc.
(Respondent)

Case Number: 03-04796

Hearing Site: New York, New York

Nature of the Dispute: Associated Persons vs. Member.

REPRESENTATION OF PARTIES

Claimants Robert M. Neal ("Neal") and Joseph Pellitteri ("Pellitteri") hereinafter collectively referred to as "Claimants": David B. Wechsler, Esq., Wechsler & Cohen, LLP, New York, NY.

Respondent Dresdner Kleinwort Wasserstein, Inc. ("Dresdner") hereinafter referred to as "Respondent": Kenneth J. Kelly, Esq., Epstein Becker & Green, P.C., New York, NY.

CASE INFORMATION

Statement of Claim filed on or about: July 1, 2003.

Claimant Neal signed the Uniform Submission Agreement: June 18, 2003.

Claimant Pellitteri signed the Uniform Submission Agreement: June 17, 2003.

Statement of Answer filed by Respondent on or about: October 9, 2003.

Respondent signed the Uniform Submission Agreement: October 9, 2003.

CASE SUMMARY

Claimants asserted the following causes of action: breach of contract; failure to pay owed compensation; misrepresentation; unjust enrichment; negligence; and failure to pay owed severance.

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

RELIEF REQUESTED

Claimants requested compensatory damages for Claimant Pellitteri in the amount of \$3,000,000.00; compensatory damages for Claimant Neal in the amount of \$1,500,000.00;

attorneys' fees; punitive damages in the amount of \$9,000,000.00; costs; disbursements; and such other and further relief as the arbitrators may deem just and proper.

Respondent requested that the Panel dismiss the Statement of Claim; that the Panel impose all costs on Claimants; and 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, 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. Respondent is liable for and shall pay to Claimant Neal compensatory damages in the amount of \$350,521.00.
2. Respondent is liable for and shall pay to Claimant Pellitteri compensatory damages in the amount of \$497,580.00.
3. Any and all relief not specifically addressed herein, including punitive damages, 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 = \$600.00

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 persons at the time of the events giving rise to the dispute. Accordingly, Dresdner Kleinwort Wasserstein, Inc. is a party.

Member surcharge	= \$3,750.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$5,500.00

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
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Pre-hearing conferences: October 20, 2004 1 session
 October 22, 2004 1 session

Three (3) Pre-hearing sessions with Panel @ \$1,200.00 = \$ 3,600.00

Pre-hearing conferences: January 30, 2004 1 session
 May 24, 2004 1 session
 June 30, 2004 1 session

Ten (10) Hearing sessions @ \$1,200.00 = \$12,000.00

Hearing Dates: November 8, 2004 2 sessions
 November 9, 2004 2 sessions
 November 10, 2004 2 sessions
 November 11, 2004 2 sessions
 November 12, 2004 2 sessions

Total Forum Fees = \$16,500.00

1. The Panel has assessed \$16,500.00 of the forum fees against Respondent.

Fee Summary

1. Claimants are jointly and severally liable for:

<u>Initial Filing Fee</u>	= \$ 600.00
Total Fees	= \$ 600.00
<u>Less payments</u>	= \$ 1,800.00
Refund Due Claimants	= \$ 1,200.00

2. Respondent is solely liable for:

Member Fees	= \$10,000.00
<u>Forum Fees</u>	= \$16,500.00
Total Fees	= \$26,500.00
<u>Less payments</u>	= \$10,000.00
Balance Due NASD Dispute Resolution	= \$16,500.00


All balances are payable to NASD Dispute Resolution and are due upon receipt pursuant to Rule 10330(g) of the Code.

ARBITRATION PANEL

Alexander Forti	-	Public Arbitrator, Presiding Chairperson
Martin Jay Siegel, Esq.	-	Public Arbitrator
Karen M. Cullen, 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.


Alexander Forti
Public Arbitrator, Presiding Chairperson

11/19/04
Signature Date

Martin Jay Siegel, Esq.
Public Arbitrator

Signature Date

Karen M. Cullen, Esq.
Non-Public Arbitrator

Signature Date

November 23, 2004
Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL

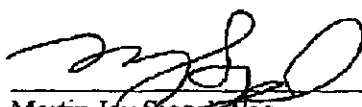
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Martin Jay Siegel, Esq.	-	Public Arbitrator
Karen M. Cullen, Esq.	-	Non-Public Arbitrator

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Alexander Forti
Public Arbitrator, Presiding Chairperson

Signature Date



Martin Jay Siegel, Esq.
Public Arbitrator

11/16/04

Signature Date

Karen M. Cullen, Esq.
Non-Public Arbitrator

Signature Date

November 23, 2004

Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL

Alexander Forti	-	Public Arbitrator, Presiding Chairperson
Martin Jay Siegel, Esq.	-	Public Arbitrator
Karen M. Cullen, Esq.	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

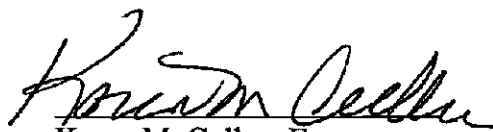
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Alexander Forti
Public Arbitrator, Presiding Chairperson

Signature Date

Martin Jay Siegel, Esq.
Public Arbitrator

Signature Date


Karen M. Cullen, Esq.
Non-Public Arbitrator

11-29-04
Signature Date

November 23, 2004
Date of Service (For NASD Dispute Resolution use only)