

Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

James A. Mitarotonda, Claimant v. Herbert Coutee and Lorine Coutee, Respondents

Case Number: 03-06390

Hearing Site: Los Angeles, California

Nature of the Dispute: Associated Person v. Customers

REPRESENTATION OF PARTIES

For Claimant:

Stuart A. Jackson, Esq.
Re, Parser & Partners
New York, New York

For Respondents:

Robert A. Uhl, Esq.
Law Offices of Aidikoff & Uhl
Beverly Hills, California

CASE INFORMATION

Statement of Claim filed: September 2, 2003

Claimant's Uniform Submission Agreement signed: August 29, 2003

CASE SUMMARY

Claimant sought expungement of all reference to NASD Arbitration Case No. 00-02444 from his registration records maintained by NASD Central Registration Depository ("CRD").

RELIEF REQUESTED

Claimant requested a stipulated award recommending that all reference in his CRD record to the arbitration Award rendered in NASD Dispute Resolution Case No. 00-02444 be permanently expunged, including any reference to the arbitration award, arbitration costs, filing fees and other monetary payment imposed by the Arbitration Panel and/or NASD Dispute Resolution.

OTHER ISSUES CONSIDERED AND DECIDED

Respondents Herbert Coutee and Lorine Coutee did not file with NASD Dispute Resolution Answers to Claimant's Statement of Claim, or properly executed submission agreements.

At the onset of the case, the parties stipulated to have one arbitrator appointed to the case. The parties also stipulated to have the sole arbitrator issue a decision on papers. The duly appointed sole arbitrator ordered a pre-hearing conference session with the parties to obtain additional information on Claimant's expungement request. On February 13, 2004, the arbitrator held a pre-hearing conference session with Claimant's counsel. Respondents received notice of the pre-hearing conference session but elected not to participate.

On October 27, 2003, Claimant and Claimant's counsel signed a Waiver Agreement expressly waiving any and all rights and benefits under California Civil Code Section 1542 and the California Ethical Standards for Neutral Arbitrators.

On October 1, 2003, Respondents Herbert Coutee and Lorine Coutee's counsel signed a Waiver Agreement on behalf of Respondents Herbert Coutee and Lorine Coutee expressly waiving any and all rights and benefits under California Civil Code Section 1542 and the California Ethical Standards for Neutral Arbitrators.

AWARD

After considering the pleadings, testimony, and the request for this stipulated award, the Arbitrator decided in full and final resolution of the issues submitted for determination as follows:

1. Claimant and Respondents have entered into a confidential settlement agreement.
2. The Arbitrator recommends the expungement of all reference to NASD Arbitration Case No. 00-02444 from Claimant James A. Mitarotonda's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notice to Members 99-09, Claimant James A. Mitarotonda must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

FEES

Pursuant to the Code of Arbitration Procedure ("the Code"), the following fees are assessed:

Filing Fees

NASD Dispute Resolution received or will collect the non-refundable filing fees for each claim as follows:

Initial claim filing fee = \$ 250.00

Forum Fees and Assessments

The Arbitrator assessed a forum fee for each pre-hearing conference or hearing session conducted. A pre-hearing conference and hearing session is any meeting between the parties and the Arbitrator. The following fees are assessed:

One (1) Pre-hearing conference session with a single arbitrator @ \$450.00/session = \$ 450.00
Pre-hearing conference: February 13, 2004 1 session

Fee for Decision on the Papers = \$ 1,000.00

Total Forum Fees = \$ 1,450.00

The Arbitrator assessed \$1,450.00 of the forum fees to Claimant James A. Mitarotonda.

Fee Summary

1. Claimant is charged with the following fees and costs:

Initial Filing Fee = \$ 250.00

Forum Fees = \$ 1,450.00

Total Fees = \$ 1,700.00

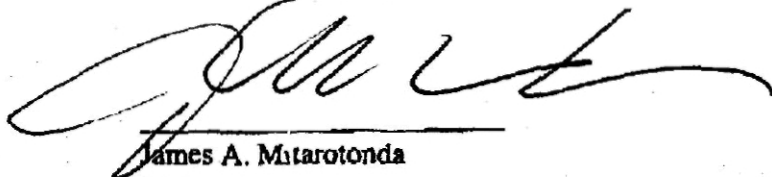
Less payments = \$(1,250.00)

Balance Due NASD Dispute Resolution = \$ 450.00

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

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Parties' Signatures



James A. Mitarotonda
Claimant

3/8/04

Signature Date

Herbert Coulee
Respondent

Signature Date

Lorine Coulee
Respondent

Signature Date

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Parties' Signatures

James A. Mitarotonda
Claimant

Signature Date

Herbert Coutee

Herbert Coutee
Respondent

3/7/2004
Signature Date

Lorine Coutee

Lorine Coutee
Respondent

3/7/2004
Signature Date

ARBITRATOR

Jack A. Weichman, Esq.

Public Arbitrator

Jack A. Weichman, Esq.
Public Arbitrator

Signature Date

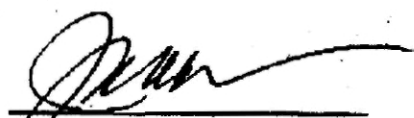
Date of Service

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ARBITRATOR

Jack A. Weichman, Esq.

Public Arbitrator


Jack A. Weichman, Esq.
Public Arbitrator

3/19/04
Signature Date

3/22/04
Date of Service

Parties' Signatures

James A. Mitarotonda
Claimant

Signature Date

Herbert Coutee
Respondent

Signature Date

Lorine Coutee
Respondent

Signature Date