

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

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In the Matter of the Arbitration Between:

John S. Mauersberger and Susan V. Mauersberger (Claimants) v. Ladenburg Thalmann & Co., Inc. and Howard Corum (Respondents)

Case Number: 03-09153

Hearing Site: Columbus, Ohio

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Nature of the Dispute: Customers v. Member and Associated Person.

**REPRESENTATION OF PARTIES**

Claimants John S. Mauersberger ("J. Mauersberger") and Susan V. Mauersberger ("S. Mauersberger") hereinafter collectively referred to as "Claimants": Anthony M. Abraham, Esq., Anthony M. Abraham Associates, New York, NY.

Respondents Ladenburg Thalmann & Co., Inc. ("Ladenburg") and Howard Corum ("Corum") hereinafter collectively referred to as "Respondents": David D. Gorman, Esq., Chicago Investment Group, LLC, Chicago, IL and Joseph Giovanniello, Jr., Esq., Ladenburg Thalmann & Co., Inc., New York, NY.

**CASE INFORMATION**

Statement of Claim filed on or about: December 26, 2003.

Claimants signed the Uniform Submission Agreement: December 21, 2003.

Motion for a More Definite Statement and Statement of Answer filed by Respondents on or about: February 17, 2004.

Respondent Ladenburg signed the Uniform Submission Agreement: February 17, 2004.

Respondent Corum signed the Uniform Submission Agreement: February 10, 2004.

**CASE SUMMARY**

Claimants asserted the following causes of action: churning; unsuitability; breach of fiduciary duty; fraud; and failure to supervise. The causes of action relate to shares of common stock including, but not limited to, Chinadotcom Corp Cl. A, CMGI, E.Loan, Alliance Imaging, Exult, Inc., and JDS Uniphase.

Unless specifically admitted in their Answer, Respondents denied the allegations of wrongdoing set forth in the Statement of Claim and asserted various affirmative defenses.

### **RELIEF REQUESTED**

Claimants requested compensatory damages in the amount of \$48,452.30; pre-award and post-award interest; costs; attorneys' fees; experts' fees; arbitrators' fees; and all other costs deemed to be reasonable.

Respondents requested dismissal of the proceeding in its entirety; costs, disbursements and attorneys' fees; assessment of all forum fees against the Claimants; and such other and further relief as the Panel deems appropriate.

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

On or about September 19, 2004, NASD Dispute Resolution was notified that the parties settled this matter and requested the entry of this Stipulated Award.

### **AWARD**

The parties entered into an agreement to present to the Panel a Stipulated Award. Now, in lieu of a hearing and upon motion of both parties for an entry of an award, the written stipulation thereto, the Panel grants the motion and enters this award granting the following relief:

1. The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Howard Corum's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondent Howard Corum must obtain confirmation from a court of competent jurisdiction before CRD will execute the expungement directive.
2. Each party shall bear its own costs and expenses associated with this arbitration.
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 = \$175.00

### **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 person at the time of the events giving rise to the dispute. In this matter, Ladenburg Thalmann & Co., Inc. is a party.

Member Surcharge	= \$ 875.00
Pre-Hearing Process Fee	= \$ 750.00
<u>Hearing Process Fee</u>	= \$1,000.00
Total Member Fees	= \$2,625.00

### **Forum Fees and Assessments**

The Arbitrator assesses forum fees for each hearing session conducted. A hearing session is any meeting between the parties and the arbitrator, including a pre-hearing conference with the arbitrator, that lasts four (4) hours or less. Forum fees associated with these proceedings are:

One (1) Pre-hearing conference session with the Panel @ \$450.00/session	= \$450.00
<u>Pre-hearing conference: May 11, 2004 1 session</u>	
Total Forum Fees	= \$450.00

1. In accordance with Rule 10306 of the NASD Code of Arbitration Procedure Claimants have jointly and severally been assessed \$150.00 of the forum fees.
2. In accordance with Rule 10306 of the NASD Code of Arbitration Procedure Respondent Ladenburg has been assessed \$150.00 of the forum fees.
3. In accordance with Rule 10306 of the NASD Code of Arbitration Procedure Respondent Corum has been assessed \$150.00 of the forum fees.

### **Fee Summary**

1. Claimants are jointly and severally liable for:

Initial Filing Fee	= \$ 175.00
<u>Forum Fees</u>	= \$ 150.00
Total Fees	= \$ 325.00
<u>Less payments</u>	= \$ 625.00
Refund Due Claimants	= \$ 300.00
2. Respondent Ladenburg is solely liable for:

Member Fees	= \$2,625.00
<u>Forum Fees</u>	= \$ 150.00
Total Fees	= \$2,775.00
<u>Less payments</u>	= \$2,625.00
Balance Due NASD Dispute Resolution	= \$ 150.00

NASD Dispute Resolution

Arbitration No. 03-09153

Award Page 4 of 6

3. Respondent Corum is solely liable for:

<u>Forum Fees</u>	= \$ 150.00
<u>Total Fees</u>	= \$ 150.00
<u>Less payments</u>	= \$ 0.00
<u>Balance Due NASD Dispute Resolution</u>	= \$ 150.00

All balances are due and payable to NASD Dispute Resolution

**Parties' Signatures**



Anthony M. Abraham  
Attorney for Claimants  
John S. Mauersberger  
and Susan V. Mauersberger

2/7/05

Date



Joseph Giovanniello, Jr., Esq.  
Attorney for Respondent  
Ladenburg Thalmann & Co Inc.

2/7/05

Date



David D. Gorman, Esq.  
Attorney for Respondent  
Howard Corum

2/4/05

Date


NASD Dispute Resolution  
Arbitration No. 03-09153  
Award Page 6 of 6

ARBITRATOR

Kevin R. McDermott, Esq.

- Sole Public Arbitrator

Arbitrator's Signature

  
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Kevin R. McDermott, Esq.  
Sole Public Arbitrator

2/10/05  
Signature Date

February 16, 2005  
Date of Service (For NASD office use only)