

**AWARD
NASD DISPUTE RESOLUTION**

In the Matter of the Arbitration Between:

Thomas Byrne, Claimant vs. Robert Palmiere, Respondent

Case Number: 04-00482

SITUS: Pittsburgh, PA

NATURE OF DISPUTE: Customer v. Associated Person

REPRESENTATION OF PARTIES:

Thomas Byrne, hereinafter referred to as "Claimant", was represented by Scott A. Lane, Esq., Edgar Snyder & Associates, LLC, Pittsburgh, Pennsylvania.

Respondent did not file an answer in this matter.

DATE FILED: January 26, 2004

CASE SUMMARY: Claimant alleged negligence; unsuitability/overconcentration; breach of contract; violations of the Pennsylvania Unfair Trade Practices and Consumer Protection Law 73 Pa.C.S., 201 et seq.; violations of the Pennsylvania Securities Act; and, breach of fiduciary duty. Claimant's claim involved purchase of stocks.

CLAIM DATA: Claimant requested \$133,493.00 in compensatory damages plus interest from the date the account was opened to the date of this arbitration, together with hearing costs and attorney's fees pursuant to the Pennsylvania Unfair Trade Practices and Consumer Protection Law.

OTHER ISSUES: By letter dated November 2, 2004, Claimant opted to proceed against Respondent pursuant to Rule 10314(e) of the *NASD Code of Arbitration Procedure* ("Code"). The arbitrator determined that Respondent was properly served with notice of the Statement of Claim and Notification of the Arbitrator by certified mail, and that Respondent is required to submit to arbitration pursuant to the Code and is bound by the determination of the Arbitrator on all issues submitted.

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) Respondent is liable to and shall pay to Claimant the sum of \$133,493.00 in compensatory damages plus compounded interest at a rate of six percent (6%) from July 8, 2004 to November 15, 2004; 2) Respondent is liable to and shall pay to Claimant \$300.00 as reimbursement of the NASD filing fee; 3) All requests for attorney's fees are denied; and, 4) All other relief requests are denied.

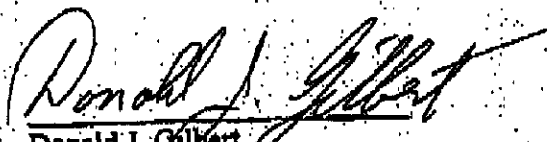
FORUM FEES:

The \$300.00 filing fee previously deposited with NASD Dispute Resolution by Claimant shall be retained by NASD Dispute Resolution.

Claimant will be refunded by NASD Dispute Resolution his hearing session deposit in the amount of \$1,125.00.

The arbitrator assessed all forum fees against Respondent in the amount of \$1,425.00.

ARBITRATION PANEL:


Donald J. Gilbert
Sole Arbitrator, Public

April 15, 2005
Date

April 19, 2005
Date of Service (For NASD Dispute Resolution office use only)