

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Dr. Mohammad Choudhry (Claimant) vs. Ehrenkrantz King Nussbaum, Inc.
(Respondent)

Case Number: 04-02681

Hearing Site: Philadelphia, Pennsylvania

Nature of the Dispute: Customer vs. Member

REPRESENTATION OF PARTIES

Claimant Dr. Mohammad Choudhry hereinafter referred to as "Claimant": Timothy Feil, Esq., Finkelstein & Feil, LLP, Bayshore, NY.

Respondent Ehrenkrantz King Nussbaum, Inc. hereinafter referred to as "Respondent": Robert M. Bursky, Esq., Robert M. Bursky Attorney At Law, Garden City, NY.

CASE INFORMATION

Statement of Claim filed on or about: April 9, 2004.

Claimant signed the Uniform Submission Agreement: May 24, 2004.

Statement of Answer filed by Respondent on or about: August 6, 2004.

Respondent signed the Uniform Submission Agreement: August 6, 2004.

CASE SUMMARY

Claimant asserted the following causes of action: suitability, misrepresentation, fraud, unauthorized trading, failure to execute, breach of fiduciary duty, excessive trading, churning, violation of General Business Law Section 349, failure to supervise, and control person liability. The causes of action relate to unspecified Class A Mutual Funds.

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

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$85,111.36 plus interest beginning from June, 2000, punitive damages, attorneys' fees, and filing fees.

Respondent requested dismissal of the Statement of Claim in its entirety, forum fees, reimbursement of member fees, and such other and further relief as in permitted by law.

OTHER ISSUES CONSIDERED AND DECIDED

During the July 25, 2006 hearing Claimant Moved to Amend the compensatory damages requested to \$105,503.49. Respondent did not object. After due deliberation, the Panel granted Claimant's Motion to Amend.

During the hearing both Claimant and Respondent Moved to Preclude documents not produced during discovery. The Panel reserved its decision on both motions until the end of the hearing. Claimant and Respondent withdrew their respective Motions to Preclude prior to the conclusion of the hearing.

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 evidence and testimony presented at the hearing, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimant's claims are denied in their entirety.
2. 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	= \$	300.00
--------------------------	------	--------

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. Accordingly, Ehrenkrantz King Nussbaum, Inc. is a party.

Member Surcharge	= \$	1,700.00
Pre-Hearing Process Fee	= \$	750.00
Hearing Process Fee	= \$	2,750.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

May 9-May 11, 2005 adjournment by Claimant Claimant's share	= \$	375.00
--	------	--------

Respondent's share	= \$	375.00
October 6-7, 2005 adjournment by Respondent		
Claimant's share	= \$	375.00
Respondent's share	= \$	375.00

Three-Day Cancellation Fees

Fees apply when a hearing on the merits is postponed or settled within three business days before the start of a scheduled hearing session:

May 9-May 11, 2005 adjournment by Claimant		
Claimant's share	= \$	150.00
Respondent's share	= \$	150.00
October 6-7, 2005 adjournment by Respondent		
Claimant's share	= \$	150.00
Respondent's share	= \$	150.00

Forum Fees and Assessments

The Panel has assessed forum fees for each session conducted or each decision rendered on a discovery-related motion on the papers. A session is any meeting between the parties and the Panel, including a pre-hearing conference with the arbitrators, that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with Panel @ \$750.00 per session	= \$	750.00
Pre-hearing conference: December 1, 2004	1 session	
Two (2) Hearing sessions with Panel @\$750.00 per session	= \$	1,500.00
Hearing Dates: July 24, 2006	2 sessions	
Nine (9) Hearing sessions with Panel @ \$1,125.00 per session	= \$	10,125.00
Hearing Dates: July 25, 2006	2 sessions	
July 26, 2006	2 sessions	
July 27, 2006	2 sessions	
July 28, 2006	2 sessions	
November 30, 2006	1 session	
<hr/> Total Forum Fees		= \$ 12,375.00

1. The Panel has assessed \$12,375.00 of the forum fees against Respondent.

Fee Summary

1. Claimant is solely liable for:		
Initial Filing Fee	= \$	300.00
Adjournment Fees	= \$	750.00
Three-Day Cancellation Fees	= \$	300.00
Total Fees	= \$	1,350.00
Less payments	= \$	975.00

Balance Due NASD Dispute Resolution = \$ 375.00

2. Respondent is solely liable for:

Member Fees	= \$ 5,200.00
Adjournment Fees	= \$ 750.00
Three-Day Cancellation Fees	= \$ 300.00
Forum Fees	= \$ 12,375.00
<hr/> Total Fees	<hr/> = \$ 18,625.00
Less payments	= \$ 3,550.00
<hr/> Balance Due NASD Dispute Resolution	<hr/> = \$ 15,075.00

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

ARBITRATION PANEL

William J. Hirsch, Esq.	•	Public Arbitrator, Presiding Chairperson
Catherine Stewart, Esq.	•	Public Arbitrator
Clifford A. Harwick	•	Non-Public Arbitrator

Concurring Arbitrators' Signatures

William J. Hirsch

William J. Hirsch, Esq.
Public Arbitrator, Presiding Chairperson

December 5, 2006

Signature Date

Catherine Stewart, Esq.
Public Arbitrator

Signature Date

Clifford A. Harwick
Non-Public Arbitrator

Signature Date

December 6, 2006

Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL

William J. Hirsch, Esq. - Public Arbitrator, Presiding Chairperson
Catherine Stewart, Esq. - Public Arbitrator
Clifford A. Harwick - Non-Public Arbitrator

Concurring Arbitrators' Signatures

William J. Hirsch, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

Catherine Stewart, Esq.
Public Arbitrator

Signature Date



Clifford A. Harwick
Non-Public Arbitrator



Signature Date

December 6, 2006

Date of Service (For NASD Dispute Resolution use only)

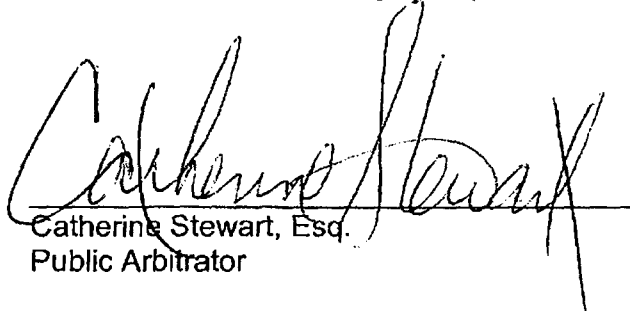
ARBITRATION PANEL

William J. Hirsch, Esq. - Public Arbitrator, Presiding Chairperson
Catherine Stewart, Esq. - Public Arbitrator
Clifford A. Harwick - Non-Public Arbitrator

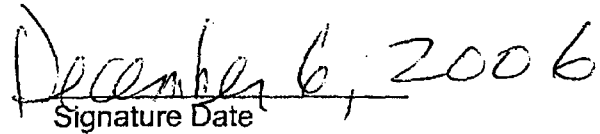
Concurring Arbitrators' Signatures

William J. Hirsch, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date



Catherine Stewart, Esq.
Public Arbitrator



Signature Date

Clifford A. Harwick
Non-Public Arbitrator

Signature Date

December 6, 2006

Date of Service (For NASD Dispute Resolution use only)