
Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Names of the Claimants

Jean C. Bonadio

Linda J. Moreno

Case Number: 04-04341

Name of the Respondent

Legend Equities Corporation

Hearing Site: Boca Raton, Florida

Nature of the Dispute: Customer vs. Member.

REPRESENTATION OF PARTIES

For Jean C. Bonadio ("Bonadio") and Linda J. Moreno ("Moreno"), hereinafter collectively referred to as "Claimants": Joel A. Goodman, Esq., Goodman & Nekvasil, P.A., Clearwater, Florida.

For Legend Equities Corporation, hereinafter referred to as "Respondent": Debra A. Jenks, Esq. and Marc S. Dobin, Esq., Dobin & Jenks, LLP, Jupiter, Florida.

CASE INFORMATION

Statement of Claim filed on or about: June 18, 2004.

Claimant Bonadio signed the Uniform Submission Agreement: June 16, 2004.

Claimant Moreno signed the Uniform Submission Agreement: August 20, 2004.

Statement of Answer filed by Respondent on or about: August 12, 2004.

Respondent signed the Uniform Submission Agreement: August 12, 2004.

Amended Statement of Claim filed by Claimants on or about August 20, 2004.

Answer to Amended Statement of Claim filed by Respondent on or about: November 1, 2004.

CASE SUMMARY

Claimants asserted the following causes of action: violation of Federal Securities Laws; breach of contract; common law fraud; constructive fraud through breach of fiduciary duty; and, negligence and gross negligence. The causes of action relate to the Claimants' investment Landmark Investment Trust.

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

RELIEF REQUESTED

Claimants requested: 1) actual damages in the amount of \$480,000.00; 2) benefit of bargain damages; 3) lost opportunity costs; 4) rescissionary damages; 5) model portfolio damages; 6) prejudgment interest; 7) costs; 8) attorneys' fees; 9) non-economic damages; 10) unspecified punitive damages; and, 11) such

other relief as is deemed necessary and proper.

Respondent requested: 1) that Claimants take nothing against Respondent by way of this action; 2) that this Claim, and all allegations therein, be dismissed, with prejudice; 3) arbitration fees and expenses; and, 4) attorneys' fees.

OTHER ISSUES CONSIDERED AND DECIDED

On or about June 8, 2005, Claimants filed a Notice of Partial Voluntary Dismissal With Prejudice by Only Jean C. Bonadio as Against Respondent Legend Equities Corporation.

The parties 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, and the post-hearing submissions (if any), the undersigned arbitrators (the "Panel") have decided in full and final resolution of the issues submitted for determination as follows:

Claimant's claims are dismissed, with prejudice.

Any and all claims for relief not specifically addressed herein, including Claimant's requests for punitive damages are denied.

FEES

Pursuant to the NASD Code of Arbitration Procedure (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(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute.

Accordingly, Respondent is a party and a member firm.

| | |
|----------------------------|----------------------|
| Member surcharge | = \$ 1,700.00 |
| Pre-hearing process fee | = \$ 750.00 |
| <u>Hearing process fee</u> | <u>= \$ 2,750.00</u> |
| Total Member Fees | = \$ 5,200.00 |

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

There were no adjournment fees assessed during these proceedings.

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:

There were no three-day cancellation fees assessed during these proceedings.

Injunctive Relief Fees

Injunctive relief fees are assessed to each member or associated person who files for a temporary injunction in court. Parties in these cases are also assessed arbitrator travel expenses and costs when an arbitrator is required to travel outside his or her hearing location and additional arbitrator honoraria for the hearing for permanent injunction. These fees, except the injunctive relief surcharge, are assessed equally against each party unless otherwise directed by the panel.

There were no injunctive relief fees assessed during these proceedings.

Forum Fees and Assessments

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

One (1) Pre-hearing session with a single arbitrator @ \$450.00/session = \$ 450.00
Pre-hearing conference: February 28, 2005 1 session

One (1) Pre-hearing session with Panel @ \$1,125.00/session = \$ 1,125.00
Pre-hearing conference: November 9, 2004 1 session

Eight (8) Hearing sessions @ \$1,125.00/session = \$ 9,000.00
Hearing Dates: July 5, 2005 2 sessions
July 6, 2005 2 sessions
July 7, 2005 2 sessions
July 8, 2005 2 sessions

Total Forum Fees = \$10,575.00

The Panel has assessed \$5,287.50 of the forum fees to Claimant Moreno.

The Panel has assessed \$5,287.50 of the forum fees to Respondent.

Administrative Costs

Administrative costs are expenses incurred due to a request by a party for special services beyond the normal administrative services. These include, but not limited to, additional copies of arbitrator awards, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

There were no administrative costs incurred during these proceedings.

Fee Summary

Claimants are jointly and severally liable for:

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|---------------------------|-------------|
| <u>Initial Filing Fee</u> | = \$ 300.00 |
| Total Fees | = \$ 300.00 |

| | |
|-------------------------------------|-------------|
| <u>Less payments</u> | = \$ 300.00 |
| Balance Due NASD Dispute Resolution | = \$ 0.00 |

Claimant Moreno is solely liable for:

| | |
|-------------------------------------|---------------|
| <u>Forum Fees</u> | = \$ 5,287.50 |
| <u>Total Fees</u> | = \$ 5,287.50 |
| <u>Less payments</u> | = \$ 675.00 |
| Balance Due NASD Dispute Resolution | = \$ 4,612.50 |

Respondent is solely liable for:

| | |
|-------------------------------------|---------------|
| <u>Member Fees</u> | = \$ 5,200.00 |
| <u>Forum Fees</u> | = \$ 5,287.50 |
| <u>Total Fees</u> | = \$10,487.50 |
| <u>Less payments</u> | = \$ 3,550.00 |
| Balance Due NASD Dispute Resolution | = \$ 6,937.50 |

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

ARBITRATION PANEL

| | | |
|-------------------------------|---|--|
| Gloria O. North, Esq. | - | Public Arbitrator, Presiding Chairperson |
| Richard Anthony Januzzi, Esq. | - | Public Arbitrator |
| Richard Paul Vander Kelen | - | Non-Public Arbitrator |

Concurring Arbitrators' Signatures

_____/s/
Gloria O. North, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

_____/s/
Richard Anthony Januzzi, Esq.
Public Arbitrator

Signature Date

_____/s/
Richard Paul Vander Kelen
Non-Public Arbitrator

Signature Date

July 20, 2005

Date of Service (For NASD Dispute Resolution office use only)

NO. 325

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Gloria O. North, Esq.
 Richard Anthony Januzzi, Esq.
 Richard Paul Vander Kelen

- Public Arbitrator, Presiding Chairperson
 - Public Arbitrator
 - Non-Public Arbitrator

Concurring Arbitrators' Signatures

Gloria O. North

Gloria O. North, Esq.
 Public Arbitrator, Presiding Chairperson

7-20-05
 Signature Date

Richard Anthony Januzzi, Esq.
 Public Arbitrator

Signature Date

Richard Paul Vander Kelen
 Non-Public Arbitrator

Signature Date

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NASD Dispute Resolution
Arbitration No. 04-04341
Award Page 4 of 4

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Richard Anthony Jannuzzi, Esq.
Richard Paul Vander Kelen

- Public Arbitrator, Presiding Chairperson
- Public Arbitrator
- Non-Public Arbitrator

Concurring Arbitrators' Signatures

Gloria O. North, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

Richard Anthony Jannuzzi, Esq.
Public Arbitrator

Signature Date

Richard Paul Vander Kelen
Non-Public Arbitrator

Signature Date

Date of Service (For NASD Dispute Resolution office use only)

Richard Anthony Januzzi, Esq.
Public Arbitrator

Signature Date

Mr. P. Van Kelen
Richard Paul Vander Kelen
Non-Public Arbitrator

2-19-05
Signature Date

Date of Service (For NASD Dispute Resolution office use only)