

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Diann Haynes Custodian For Michael Joseph Haynes, Daniel James Haynes, and Megan Patricia Haynes (Claimants) v. Quick & Reilly, Inc. (Respondent)

Case Number: 04-05445

Hearing Site: Newark, New Jersey

Nature of the Dispute: Customers vs. Member

REPRESENTATION OF PARTIES

Claimants Diann Haynes Custodian For Michael Joseph Haynes ("Custodian for Michael Haynes"), Daniel James Haynes ("Custodian for Daniel Haynes"), and Megan Patricia Haynes ("Custodian for Megan Haynes") hereinafter collectively referred to as "Claimants" appeared Anthony J. Haynes, Convent Station, NJ.

Respondent Quick & Reilly, Inc. ("Quick & Reilly") hereinafter referred to as "Respondent": Peter Byer, Esq., Quick & Reilly, Inc., New York, NY.

CASE INFORMATION

Statement of Claim filed on or about: July 26, 2004.

Claimants signed the Uniform Submission Agreement: July 26, 2004.

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

Respondent signed the Uniform Submission Agreement: October 7, 2004.

CASE SUMMARY

Claimants asserted the following causes of action: failure and refusal to release shares of stock and stock certificates; and failure to transfer accounts as requested. The causes of action relate to Lexent, Inc. stock certificates.

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

RELIEF REQUESTED

Claimants requested compensatory damages in the amount of \$6,000.00; punitive damages in the

amount of \$42,000.00; interest; and costs.

Respondent requested that the claim be dismissed and all expenses be charged to Claimants.

AWARD

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

1. Respondent is liable for and shall pay to Claimant Custodian for Michael Haynes the sum of \$2,000.00 as compensatory damages, plus interest in the amount of 9% per annum from January 1, 2004 until the award is paid.
2. Respondent is liable for and shall pay to Claimant Custodian for Daniel Haynes the sum of \$2,000.00 as compensatory damages, plus interest in the amount of 9% per annum from January 1, 2004 until the award is paid.
3. Respondent is liable for and shall pay to Claimant Custodian for Megan Haynes the sum of \$2,000.00 as compensatory damages, plus interest in the amount of 9% per annum from January 1, 2004 until the award is paid.
4. Stock Certificates of Lexent, Inc. are to be provided to the Respondent upon payment of the award to Claimants.
5. 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 = \$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. Accordingly, Quick & Reilly, Inc. is a party.

Member surcharge = \$ 875.00
Pre-hearing process fee = \$ 750.00
Hearing process fee = \$1,000.00

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, including a pre-hearing conference with the arbitrator, that lasts four (4) hours or less. Fees associated with these proceedings are:

Two (2) Pre-hearing sessions with the sole arbitrator @ \$450.00	= \$ 900.00
Pre-hearing conferences: December 8, 2004 1 session	
May 10, 2005 1 session	
Four (4) Hearing sessions @ \$450.00	= \$ 900.00
Hearing Dates: May 11, 2005 2 sessions	
Total Forum Fees	= \$1,800.00

1. The Arbitrator has assessed \$1,800.00 of the forum fees to Respondent.

Fee Summary

1. Claimants are jointly and severally liable for:

<u>Initial Filing Fee</u>	= \$ 175.00
<u>Total Fees</u>	= \$ 175.00
<u>Less payments</u>	= \$ 625.00
<u>Refund Due Claimant</u>	= \$ 450.00

2. Respondent is solely liable for:

<u>Member Fees</u>	= \$2,625.00
<u>Forum Fees</u>	= \$1,800.00
<u>Total Fees</u>	= \$4,425.00
<u>Less payments</u>	= \$2,625.00
<u>Balance Due NASD Dispute Resolution</u>	= \$1,800.00

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

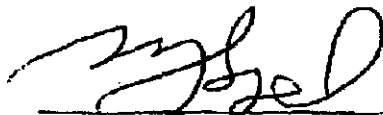
ARBITRATOR

Martin Jay Siegel, Esq.

- Sole Public Arbitrator, Presiding Chairperson

Arbitrator's Signature

I, the undersigned arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument which is my award.



Martin Jay Siegel, Esq.
Public Arbitrator, Presiding Chairperson

5/17/05

Signature Date

May 18, 2005

Date of Service (For NASD Dispute Resolution use only)