

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Mujesira Music (Claimant) v. Gary Giordano (Respondent)

Case Number: 04-07661

Hearing Site: New York, New York

Nature of the Dispute: Customer v. Associated Person

REPRESENTATION OF PARTIES

Claimant Mujesira Music appeared *pro se*.

Respondent Gary Giordano hereinafter referred to as "Respondent": Michael Uilla, Esq., Uilla & Associates, Brooklyn, NY.

CASE INFORMATION

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

Claimant signed the Uniform Submission Agreement: November 19, 2004.

Motion to Dismiss and Statement of Answer filed by Respondent on or about: January 18, 2005.
Respondent did not sign the Uniform Submission Agreement.

CASE SUMMARY

Claimant asserted the following causes of action: breach of contract; errors/charges; negligence; failure to supervise; misrepresentations/non-disclosures; unauthorized trading; omission of facts; and manipulations. The causes of action relate to common stock.

Unless specifically admitted in his 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 \$52,000.00; punitive damages in the amount of \$40,000.00; forum fees; attorneys' fees; witness and production fees; and other case-related costs.

Respondent requested that the Statement of Claim be dismissed in its entirety.

OTHER ISSUES CONSIDERED AND DECIDED

Respondent did not file with NASD Dispute Resolution a properly executed Uniform Submission Agreement but is required to submit to arbitration pursuant to the Code and, having answered the claim, appeared and testified at the hearing, is bound by the determination of the Panel on all issues submitted.

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 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. Claimant's claims are dismissed 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 = \$ 225.00

Forum Fees and Assessments

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

Three (3) Pre-hearing session with Panel @ \$750.00 per session	= \$ 2,250.00
Pre-hearing conferences: May 23, 2005 1 session	
August 31, 2005 1 session	
September 26, 2005 1 session	

Two (2) Hearing sessions @ \$750.00 per session	= \$ 1,500.00
Hearing Dates: September 29, 2005 2 sessions	

Total Forum Fees	= \$ 3,750.00
------------------	---------------

1. In accordance with Rule 10306 of the NASD Code of Arbitration Procedure Claimant has been assessed \$1,875.00 of the forum fees.

2. In accordance with Rule 10306 of the NASD Code of Arbitration Procedure Respondent has been assessed \$1,875.00 of the forum fees.

Fee Summary

1. Claimant is solely liable for:

Initial Filing Fee	= \$ 225.00
<u>Forum Fees</u>	<u>= \$ 1,875.00</u>
Total Fees	= \$ 2,100.00
<u>Less payments</u>	<u>= \$ 975.00</u>
Balance Due NASD Dispute Resolution	= \$ 1,125.00

2. Respondent is solely liable for:

<u>Forum Fees</u>	<u>= \$ 1,875.00</u>
Total Fees	= \$ 1,875.00
<u>Less payments</u>	<u>= \$ 0.00</u>
Balance Due NASD Dispute Resolution	= \$ 1,875.00

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

ARBITRATION PANEL

Robert M. Goldstein, Esq.	-	Public Arbitrator, Presiding Chairperson
Deborah Sherman, Esq.	-	Public Arbitrator
Michael P. Golden	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

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.

Robert M. Goldstein, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

Deborah Sherman, Esq.
Public Arbitrator

Signature Date

Michael P. Golden
Non-Public Arbitrator

Signature Date

Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL

Robert M. Goldstein, Esq.	-	Public Arbitrator, Presiding Chairperson
Deborah Sherman, Esq.	-	Public Arbitrator
Michael P. Golden	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

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.



Robert M. Goldstein, Esq.
Public Arbitrator, Presiding Chairperson

October 3, 2005

Signature Date

Deborah Sherman, Esq.
Public Arbitrator

Signature Date

Michael P. Golden
Non-Public Arbitrator

Signature Date

OCTOBER 12, 2005

Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL

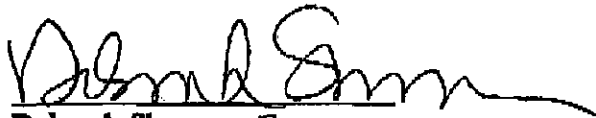
Robert M. Goldstein, Esq.	-	Public Arbitrator, Presiding Chairperson
Deborah Sherman, Esq.	-	Public Arbitrator
Michael P. Golden	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

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.

Robert M. Goldstein, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date



Deborah Sherman, Esq.
Public Arbitrator

10/21/05

Signature Date

Michael P. Golden
Non-Public Arbitrator

Signature Date

OCTOBER 12, 2005

Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL

Robert M. Goldstein, Esq.	-	Public Arbitrator, Presiding Chairperson
Deborah Sherman, Esq.	-	Public Arbitrator
Michael P. Golden	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

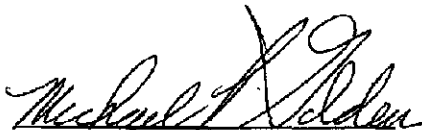
I, the undersigned arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument, which is my award.

Robert M. Goldstein, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

Deborah Sherman, Esq.
Public Arbitrator

Signature Date


Michael P. Golden
Non-Public Arbitrator


Signature Date

OCTOBER 12, 2005
Date of Service (For NASD Dispute Resolution use only)