

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 04-08760

David Lerner Associates, Inc., (Claimant) vs. Jose Mogollon, Jr., (Respondent)

ATTORNEYS:

For Claimant appeared in-house counsel Thomas J. Ruhle, Jr., Syosset, NY.

Respondent appeared pro se, Norwalk, CT.

NATURE OF DISPUTE: Member v. Associated Person

DATE FILED: December 14, 2004

CASE SUMMARY: Claimant alleged that Respondent breached the terms of an Account Executive Agreement by failing to repay monies owed upon his voluntary resignation with Claimant. Claimant maintained that due to Respondent's actions, the firm suffered a loss.

Claim Data

Claim: \$19,249.89

Specific Performance: Direct Respondent not to solicit, for a period of two years from date of termination at David Lerner, any of the clients whose names became known to him while he was associated with David Lerner.

Specific Performance: Direct Respondent to return any original records, and purge or destroy any computerized, duplicated or copied records which he may have caused to be removed from the premises of David Lerner.

Filing Fees: Unspecified

Other: Unspecified

Award Data

Award: \$.00

Specific Performance: Denied

Specific Performance: Denied

Filing Fees: \$.00

Other: \$.00

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) The claims of Claimant are dismissed in their entirety. 2) All specific performance requests are denied. 3) All other relief requests are denied. 4) NASD Dispute Resolution shall retain the \$1,050.00 filing fee that the Claimant deposited previously.

OTHER FEES: Pursuant to Rule 10333 of the Code, Claimant has paid to NASD Dispute Resolution the \$425.00 Member Surcharge previously invoiced.

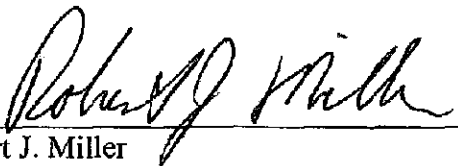
Page Two
Award 04-08760


Robert J. Miller

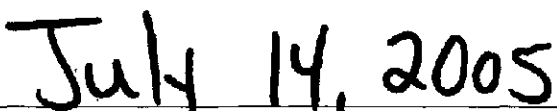
Sole Non-Public Arbitrator

AFFIRMATION

I, Robert J. Miller, 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 J. Miller


(Signature Date)


Date of Service (For NASD-DR office use only)