

**NASD DISPUTE RESOLUTION AWARD**  
**NASD DISPUTE RESOLUTION**

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CASE: 04-08762

David Lerner Associates, Inc. (Claimant) v. John Dugdale (Respondent)

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**ATTORNEYS:**

For Claimant David Lerner Associates, Inc. ("Claimant") appeared Thomas J. Ruhletz, Esq., previously Joseph C. Pickard, Esq., in-house counsel, David Lerner Associates, Inc., Syosset, NY.

Respondent John Dugdale ("Respondent") appeared *pro se*, Darien, CT.

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**NATURE OF DISPUTE:** Member v. Associated Person.

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**DATE FILED:** December 14, 2004.

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**CASE SUMMARY:** Claimant alleged that Respondent breached the terms of the Account Executive Agreement when he failed to repay monies owed pursuant to the terms of the Agreement. Claimant maintained that due to Respondent's actions, the corporation suffered a loss.

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**Claim Data**

Claim: \$20,417.00  
Claim: No solicitation  
Claim: Return or purge/destroy records  
Costs: Unspecified  
Filing Fees: Unspecified  
Other: Unspecified

**Award Data**

Award: \$0.00  
Award: Denied  
Award: Denied  
Costs: \$0.00  
Filing Fees: \$525.00  
Other: \$0.00

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**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 requests for costs 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. 5) Respondent is liable and shall pay Claimant \$525.00 as reimbursement of one-half of the filing fee.

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

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Award 04-08762

Philip M. Mandel, Esq.

Sole Non-Public Arbitrator

AFFIRMATION

I, Philip M. Mandel, Esq., 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.

Philip M. Mandel  
Philip M. Mandel, Esq.

4/29/05  
Signature Date

May 13, 2005

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