

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

J.B. Hanauer & Co. (Claimant) v. Paul Horvath (Respondent)

Case Number: 05-01444

Hearing Site: New York, New York

Nature of the Dispute: Member v. Customer

REPRESENTATION OF PARTIES

Claimant J.B. Hanauer hereinafter referred to as "Claimant": Gary Alan Blaustein, Esq., Union, NJ.

Respondent Paul Horvath hereinafter referred to as "Respondent": did not enter an appearance in this matter.

CASE INFORMATION

Statement of Claim filed on or about: March 16, 2005.

Claimant signed the Uniform Submission Agreement: March 9, 2005.

Respondent did not file a Statement of Answer or a Uniform Submission Agreement.

CASE SUMMARY

Claimant asserted the following causes of action: breach of contract; unjust enrichment; and fraud in the inducement.

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$3,990.60; pre-judgment interest; attorneys' fees; costs; and such further relief as the Arbitrator may deem just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

Upon review of the file and the representations made on behalf of the Claimant, the undersigned arbitrator determined that Respondent has been properly served with the Statement of Claim and received due notice of the hearing, and that arbitration of the matter would proceed without said Respondent present, in accordance with the NASD Code of Arbitration Procedure.

Respondent did not file with NASD Dispute Resolution a properly executed Uniform Submission Agreement but is required to submit to arbitration pursuant to the NASD Code of Arbitration Procedure and is bound by the determination of the Arbitrator 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. Respondent is liable for and shall pay to Claimant compensatory damages in the amount of \$3,990.60 plus interest from November 20, 2000 to September 7, 2005 equaling \$1,350.42.
2. Respondent is liable for and shall pay to Claimant attorneys' fees in the amount of \$4,525.00. The Panel Chairperson awarded attorneys' fees pursuant to paragraph 7 of the customer agreement.
3. Respondent is liable for and shall pay to Claimant costs in the amount of \$1,625.00.
4. Any and all relief not specifically addressed herein 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 = \$ 400.00

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, J.B. Hanauer & Co. is a party.

Member surcharge = \$ 200.00

Forum Fees and Assessments

The Arbitrator 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:

One (1) Pre-hearing session with a single arbitrator @ \$125.00 = \$ 125.00
Pre-hearing conference: July 26, 2005 1 session

One (1) Hearing session with a single arbitrator @ \$125.00	= \$ 125.00
Hearing Date: September 7, 2005 1 session	
Total Forum Fees	= \$ 250.00

1. The Arbitrator has assessed \$250.00 of the forum fees to the Respondent.

Fee Summary

1. Claimant is solely liable for:

Initial Filing Fee	= \$ 400.00
Member Fees	= \$ 200.00
Total Fees	= \$ 600.00
Less payments	= \$ 1,625.00
Refund due Claimant	= \$ 1,025.00

2. Respondent is solely liable for:

Forum Fees	= \$ 250.00
Total Fees	= \$ 250.00
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 250.00

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

ARBITRATION PANEL

David I. Goldblatt, Esq.

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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.



David I. Goldblatt, Esq.

Signature Date

September 23, 2005

Date of Service (For NASD Dispute Resolution use only)