

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 05-01936

Oppenheimer & Co., Inc., (Claimant) vs. James Mariani, (Respondent)

ATTORNEYS:

For Claimant appeared in-house counsel Eric J. Shames, Esq., New York, NY.

For Respondent appeared Ruthann Niosi, Esq., of the firm The Law Offices of Ruthann Niosi, Esq. P.C., New York, NY.

NATURE OF DISPUTE: Member and Associated Person

DATE FILED: April 11, 2005

CASE SUMMARY: Claimant alleged that Respondent owes money for reimbursement of an arbitration award in which Claimant and Respondent were jointly and severally liable for. Claimant maintained that due to Respondent's actions, the firm suffered a financial loss.

Claim Data

Claim: \$17,000.00
Interest: Unspecified
Attorney Fees: Unspecified
Filing Fees \$1,050.00

Award Data

Award: \$17,000.00
Interest: \$.00
Attorney Fees: \$425.00
Filing Fees: \$1,050.00

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) Respondent is liable and shall pay to the Claimant \$17,000.00. 2) Respondent is liable and shall pay to the Claimant \$425.00 for attorney fees based on the terms of the Promissory Note. 3) All requests for interest are denied. 4) All other relief requests are denied. 5) NASD Dispute Resolution shall retain the \$1,050.00 filing fee that the Claimant deposited previously. 6) Respondent is liable and shall pay Claimant \$1,050.00 as reimbursement of the filing fee.

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

OTHER ISSUES: Pursuant to the By-Laws of NASD Dispute Resolution, the arbitrator determined that Respondent James Mariani was served notice of the Statement of Claim and Notification of Arbitrator by regular mail, and Overdue Notice by certified mail, and is therefore bound by the arbitrator's ruling and determination.

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Award 05-01936

Andrew D. Hudders, Esq.

Sole Non-Public Arbitrator

AFFIRMATION

I, Andrew D. Hudders, 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.

Andrew D. Hudders
Andrew D. Hudders, Esq.

Nov 28, 2005
(Signature Date)

December 6, 2005
Date of Service (For NASD-DR office use only)