

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

John M. Rizzo (Claimant) vs. Kaufman Bros, L.P. (Respondent)

Case Number:05-02149

Hearing Site: New York, New York

Nature of the Dispute: Associated Person vs. Member

REPRESENTATION OF PARTIES

Claimant John M. Rizzo ("Rizzo") hereinafter referred to as "Claimant": David A. Gehn, Esq., Gusrae, Kaplan, Bruno & Nusbaum, PLLC, New York, NY.

Respondent Kaufman Bros., L.P. ("Kaufman") hereinafter referred to as "Respondent": Mark McMenamy, Esq., Bressler, Amery & Ross, PC, Morristown, NJ.

CASE INFORMATION

Statement of Claim filed: April 22, 2005.

Claimant signed the Uniform Submission Agreement: April 19, 2005.

Statement of Answer filed by Respondent on or about: August 12, 2005.

Respondent signed the Uniform Submission Agreement: August 15, 2005.

CASE SUMMARY

Claimant asserted the following causes of action: intentional breach of the separation agreement.

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

In its counterclaim, Respondent asserted the following causes of action: fraud, breach of covenant of good faith and fair dealing, and negligence.

RELIEF REQUESTED

Claimant requested damages in the amount of \$102,536.57 representing \$82,224.07 in compensatory damages; \$20,312.50 in liquidated damages under the NY Labor Law; legal fees; forum fees; costs; expenses; interest and a request that the Panel enter a disciplinary referral against Respondent and such other relief as the Panel may deem appropriate.

Respondent requested unspecified damages, rescission of the Separation Agreement, attorneys'

fees and costs.

OTHER ISSUES CONSIDERED AND DECIDED

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 \$87,339.52.
2. Respondent is liable for and shall pay to Claimant interest in the amount of \$7,746.08.
3. Respondent is liable for and shall pay to Claimant \$300.00 to reimburse Claimant for the filing fee previously paid to NASD Dispute Resolution.
4. Respondent's counterclaim is denied in its entirety.
5. 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	= \$ 300.00
Counterclaim filing fee	= \$ 500.00

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, Kaufman Bros., L.P. is a party.

Member surcharge	= \$1,700.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$2,750.00

Forum Fees and Assessments

The Panel has assessed forum fees for each session conducted or each decision rendered on a discovery-related motion on the papers. 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:

One (1) Pre-hearing session with Panel @ \$1,125.00	= \$1,125.00
Pre-hearing conference: October 24, 2005 1 session	

Two (2) Hearing sessions @ \$1,125.00	= \$2,250.00
<u>Hearing Date:</u> March 14, 2006 2 sessions	
Total Forum Fees	= \$3,375.00

1. The Panel has assessed \$3,375.00 of the forum fees to Respondent.

Fee Summary

1. Claimant is solely liable for:

<u>Initial Filing Fee</u>	= \$ 300.00
Total Fees	= \$ 300.00
<u>Less payments</u>	= \$1,425.00
Refund Due Claimant	= \$1,125.00

As stated in the "Award" section above, Respondent shall reimburse Claimant for the filing fee previously paid to NASD Dispute Resolution.

2. Respondent is solely liable for:

Filing Fee	= \$ 500.00
Member Fees	= \$5,200.00
Forum Fees	= \$3,375.00
Total Fees	= \$9,075.00
<u>Less payments</u>	= \$6,700.00
Balance Due NASD Dispute Resolution	= \$2,375.00

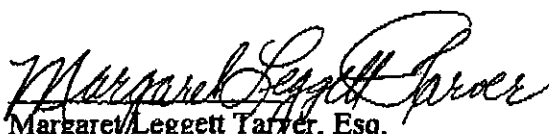
All balances are payable to NASD Dispute Resolution and are due upon receipt pursuant to Rule 10330(g) of the Code.

ARBITRATION PANEL

Margaret Leggett Tarver, Esq.	-	Public Arbitrator, Presiding Chairperson
Henry I. Blumberg	-	Public Arbitrator
Marc A. Cohn	-	Non-Public Arbitrator

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 which is my award.

Concurring Arbitrators' Signature(s)


Margaret Leggett Tarver, Esq.
Public Arbitrator, Presiding Chairperson

3-20-06
Signature Date

Henry I. Blumberg
Public Arbitrator

Signature Date

Marc A. Cohn
Non-Public Arbitrator

Signature Date

March 23, 2006
Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL


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Marc A. Cohn	-	Non-Public Arbitrator

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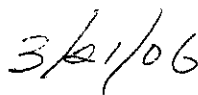
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Signature Date



Henry I. Blumberg
Public Arbitrator



Signature Date

Marc A. Cohn
Non-Public Arbitrator

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Signature Date

Henry I. Blumberg
Public Arbitrator

Signature Date



Marc A. Cohn
Non-Public Arbitrator

3/23/06

Signature Date

March 23, 2006
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