

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Isaac Vidomlanski and Ruth Vidomlanski (Claimants) vs. Investec (US) Incorporated
(Respondent)

Case Number: 05-02150

Hearing Site: New York, New York

Nature of the Dispute: Customer vs. Member

REPRESENTATION OF PARTIES

Claimants Isaac Vidomlanski ("I. Vidomlanski") and Ruth Vidomlanski ("R. Vidomlanski") hereinafter collectively referred to as "Claimants": Stuart A. Blander, Esq. and Evan Shusterman, Esq., Heller Horowitz & Peit, P.C., New York, NY.

Respondent Investec (US) Incorporated ("Investec") hereinafter referred to as "Respondent": Rita Burghardt McDonough, Esq., Investec (US) Incorporated, New York, NY.

CASE INFORMATION

Statement of Claim filed on or about: April 20, 2005.

I. Vidomlanski signed the Uniform Submission Agreement: April 20, 2005.

R. Vidomlanski signed the Uniform Submission Agreement: April 20, 2005.

Statement of Answer filed by Respondent on or about: June 13, 2005.

Respondent signed the Uniform Submission Agreement: June 10, 2005.

CASE SUMMARY

Claimants asserted the following causes of action: unauthorized trading, negligence, and errors/charges.

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

RELIEF REQUESTED

Claimants requested compensatory damages in the amount of \$100,000.00, together with interests, costs and attorneys' fees.

Respondent requested dismissal of the Statement of Claim in its entirety, award of costs for

defending this claim and such other relief that the Panel deems fair and equitable.

OTHER ISSUES CONSIDERED AND DECIDED

Claimants reduced their request for damages to \$80,000.00.

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 Claimants compensatory damages in the amount of \$2,500.00.
2. 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	= \$ 225.00
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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, Investec (US) Incorporated is a party.

Member surcharge	= \$ 1,100.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$ 1,700.00

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 @ \$750.00 per session	= \$ 750.00
Pre-hearing conference: August 29, 2005 1 session	

Four (4) Hearing sessions @ \$750.00 per session	= \$ 3,000.00
Hearing Dates: December 6, 2005 2 sessions	
December 7, 2005 2 sessions	

Total Forum Fees	= \$ 3,750.00
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1. The Panel has assessed \$3,750.00 of the forum fees against Respondent.

Fee Summary

1. Claimants are solely liable for:

<u>Initial Filing Fee</u>	= \$ 225.00
Total Fees	= \$ 225.00
<u>Less payments</u>	= \$ 975.00
Refund Due to Claimants	= \$ 750.00

2. Respondent is solely liable for:

Member Fees	= \$ 3,550.00
<u>Forum Fees</u>	= \$ 3,750.00
Total Fees	= \$ 7,300.00
<u>Less payments</u>	= \$ 3,550.00
Balance Due NASD Dispute Resolution	= \$ 3,750.00

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



Att: Nicole Haynes, Esq.
(301) 527-4904

ARBITRATION PANEL

Judith C. Zerden, Esq.
Fred S. Pieroni
Vicki R. Lawrence

- Public Arbitrator, Presiding Chairperson
- Public Arbitrator
- Non-Public Arbitrator

Concurring Arbitrators' Signatures

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.

Judith C. Zerden, Esq.
Public Arbitrator, Presiding Chairperson

12/21/05 (2d Copy)
Signature Date 6/1/15

Fred S. Pieroni
Public Arbitrator

Signature Date

Vicki R. Lawrence
Non-Public Arbitrator

Signature Date

DECEMBER 21, 2005
Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL

Judith C. Zerden, Esq.
Fred S. Piconi
Vicki R. Lawrence

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Judith C. Zerden, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date



Fred S. Piconi
Public Arbitrator

12.14.05

Signature Date

Vicki R. Lawrence
Non-Public Arbitrator

Signature Date

December 21, 2005
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Judith C. Zerden, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

Fred S. Pieroni
Public Arbitrator

Signature Date

Vicki R. Lawrence

Vicki R. Lawrence
Non-Public Arbitrator

12-19-2005

Signature Date

December 21, 2005

Date of Service (For NASD Dispute Resolution use only)