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**Award**  
**NASD Dispute Resolution**

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In the Matter of the Arbitration Between:

Name of the Claimant  
Vincent A. Preziosi

Case Number: 05-02383

Name of the Respondent  
Dreyfus Service Corporation

Hearing Site: Orlando, Florida

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Nature of the Dispute: Customer vs. Member.

**REPRESENTATION OF PARTIES**

For Vincent A. Preziosi, hereinafter referred to as "Claimant": Jon Broder, Esq., Blum and Silver, LLP, Coral Springs, Florida.

For Dreyfus Service Corporation hereinafter referred to as "Respondent": Joel S. Forman, Esq., Curtis, Mallet-Prevost, Colt & Mosle, LLP, New York, New York.

**CASE INFORMATION**

Statement of Claim filed on or about: April 27, 2005.

Claimant signed the Uniform Submission Agreement: April 20, 2005.

Statement of Answer and Motion to Dismiss the Statement of Claim filed by Respondent on or about: July 22, 2005.

Respondent signed the Uniform Submission Agreement: July 22, 2005.

Claimant's Response to Respondent's Motion to Dismiss filed by Claimant on or about: August 10, 2005.

Reply to Claimant's Response to Respondent's Motion to Dismiss the Statement of Claim filed by Respondent on or about: September 7, 2005.

**CASE SUMMARY**

Claimant asserted the following causes of action: violations of industry rules, including but not limited to NYSE's "Know your Customer" standard (Rule 405) and NASD's customer suitability standard (Rule 2310); breach of contract; breach of fiduciary duty; common law fraud; negligence; and, negligent hiring and supervision of employees. The causes of action relate to the purchase and sale of various mutual funds in Claimant's account including but not limited to Dreyfus Appreciation Fund, Dreyfus Global Growth Fund, Dreyfus Premier Technology Fund, Gateway Fund, Oakmark Equity and Income Fund, Janus Fund, Janus Growth & Income Fund and Kaufmann Fund.

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim, asserted various defenses and asserted a Motion to Dismiss on the basis that Claimant's claims are time barred.

In response to the Motion to Dismiss, Claimant denied the assertions therein.

### **RELIEF REQUESTED**

Claimant requested compensatory damages in the amount of \$250,000.00, plus interest at the legal rate from the date of purchase or reasonable market return, rescission, an unspecified amount of punitive damages, costs, and such other and further relief as the arbitration Panel deemed just and proper.

Respondent requested that the Panel enter an award granting Respondent's motion to dismiss the Statement of Claim as time-barred, that Claimant's claims be dismissed with prejudice, that Respondent be reimbursed for member surcharges relating to this arbitration with the assessment of all forum fees against Claimant, and costs, including attorneys' fees, for defending this proceeding.

### **OTHER ISSUES CONSIDERED AND DECIDED**

On or about September 22, 2005, the Panel issued an Order, which granted Respondent's Motion to Dismiss Claimant's Statement of Claim, with prejudice.

The parties have agreed that the Award in this matter may be executed in counterpart copies.

### **AWARD**

After considering the pleadings, the Motion to Dismiss, the response and reply thereto and the record in this matter, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

Claimant's claims are dismissed in their entirety, with prejudice.

Any and all claims for relief not specifically addressed herein, including Claimant's request for punitive damages, and Respondent's request for attorneys' fees, are denied.

### **FEES**

Pursuant to the NASD Code of Arbitration Procedure (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

**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 persons at the time of the events giving rise to the dispute. In this matter, the member firm Dreyfus Service Corporation is a party.

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

**Adjournment Fees**

Adjournments granted during these proceedings for which fees were assessed:

No adjournments were requested in this matter.

**Three-Day Cancellation Fees**

Fees apply when a hearing on the merits is postponed or settled within three business days before the start of a scheduled hearing session:

No three-day cancellation fees were incurred in this matter.

**Injunctive Relief Fees**

Injunctive relief fees are assessed to each member or associated person who files for a temporary injunction in court. Parties in these cases are also assessed arbitrator travel expenses and costs when an arbitrator is required to travel outside his or her hearing location and additional arbitrator honoraria for the hearing for permanent injunction. These fees, except the injunctive relief surcharge, are assessed equally against each party unless otherwise directed by the Panel.

No injunctive relief fees were incurred in this matter.

**Forum Fees and Assessments**

The Panel has assessed forum fees for each session conducted. A session is any meeting between the parties and the arbitrators, including a pre-hearing conference with the arbitrator(s), that lasts four (4) hours or less. Fees associated with these proceedings are:

Two (2) Pre-hearing sessions with the Panel @ \$1,125.00	= \$2,250.00
Pre-hearing conferences: September 6, 2005 1 session	
September 22, 2005 1 session	

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Total Forum Fees	= \$2,250.00
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The Panel has assessed \$1,125.00 of the forum fees to Claimant.

The Panel has assessed \$1,125.00 of the forum fees to Respondent.

**Administrative Costs**

Administrative costs are expenses incurred due to a request by a party for special services beyond the normal administrative services. These include, but are not limited to: additional copies of arbitrator awards; copies of audio transcripts; retrieval of documents from archives; interpreters; and, security.

No administrative costs were incurred in this matter.

**Fee Summary**

Claimant is solely liable for:

Initial Filing Fee	= \$ 300.00
Forum Fees	= \$ 1,125.00
Total Fees	= \$ 1,425.00
Less payments	= \$ 1,425.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent is solely liable for:

Member Fees	= \$ 5,200.00
Forum Fees	= \$ 1,125.00
Total Fees	= \$ 6,325.00
Less payments	= \$ 2,450.00
Balance Due NASD Dispute Resolution	= \$ 3,875.00

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

**ARBITRATION PANEL**

Muriel Desloovere, Esq.	-	Public Arbitrator, Presiding Chairperson
Robert Finder	-	Public Arbitrator
Sandra J. Bakalus	-	Non-Public Arbitrator

**Concurring Arbitrators' Signatures**

/s/

9/27/05

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Muriel Desloovere, Esq.  
Public Arbitrator, Presiding Chairperson

\_\_\_\_\_  
Signature Date

/s/

9/27/05

\_\_\_\_\_  
Robert Finder  
Public Arbitrator

\_\_\_\_\_  
Signature Date

/s/

9/27/05

\_\_\_\_\_  
Sandra J. Bakalus  
Non-Public Arbitrator

\_\_\_\_\_  
Signature Date

September 27, 2005

\_\_\_\_\_  
Date of Service (For NASD Dispute Resolution office use only)

NASD Dispute Resolution  
Arbitration No. 05-02383  
Award Page 5

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Concurring Arbitrators' Signatures



Muriel Desloovere, Esq.  
Public Arbitrator, Presiding Chairperson

9-27-05  
Signature Date

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Robert Finder  
Public Arbitrator

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Signature Date

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Sandra J. Bakalus  
Non-Public Arbitrator

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Sep 27 05

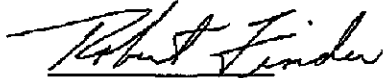
NASD Dispute Resolution  
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Public Arbitrator, Presiding Chairperson

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Public Arbitrator

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