

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Mark N. Binder, Claimant v. Goldman Sachs & Co., Respondent

Case Number: 05-02403

Hearing Site: Los Angeles, California

Nature of the Dispute: Associated Person v. Member

REPRESENTATION OF PARTIES

For Claimant:

Rodney J. Heggy, Esq.
Federman & Sherwood
Oklahoma City, Oklahoma

Tod I. Zuckerman, Esq.
Attorney At Law
San Francisco, California

For Respondent:

Robin D. Fessel, Esq.
Sullivan & Cromwell LLP
New York, New York

CASE INFORMATION

Statement of Claim filed: May 5, 2005

Claimant's Uniform Submission Agreement signed: not dated

Statement of Answer filed by Respondent: June 29, 2005

Respondent's Uniform Submission Agreement signed: September 21, 2005

CASE SUMMARY

Claimant alleged involuntary withholding of wages, abandonment of Respondent's Client Service Model, violation of the principle of just and equitable trade, and unlawful withholding of vested stock. Claimant's claims involved compensation for services rendered to Respondent.

Respondent denied the allegations of wrongdoing set forth in the Claimant's Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

Claimant requested \$2,730,974.00 in compensatory damages, unspecified interest, attorney's fees, and forum fees.

Respondent requested dismissal of the Claimant's Statement of Claim in its entirety.

OTHER ISSUES CONSIDERED AND DECIDED

The parties 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, testimony, and evidence presented at the hearing, the Panel decided in full and final resolution of the issues submitted for determination as follows:

- 1) Respondent is liable to and shall pay Claimant the sum of \$673,847.00 in compensatory damages.
- 2) The parties shall bear their respective costs, including attorney's fees.
- 3) All other relief requested and not expressly granted is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution received or will collect the non-refundable filing fees for each claim as follows:

Initial claim filing fee	= \$ 500.00
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Member Fees

Member fees are assessed to each member firm that is either a party in the matter or an employer of a respondent associated person at the time of the events that gave rise to the dispute, claim, or controversy. Accordingly, the member firm Goldman Sachs & Co. is a party and the following fees are assessed:

Member Surcharge	= \$ 2,800.00
Pre-Hearing Process Fee	= \$ 750.00
Hearing Process Fee	= \$ 5,000.00
Total Member Fees	= \$ 8,550.00

Forum Fees and Assessments

The Panel assessed a forum fee for each pre-hearing conference or hearing session conducted. A pre-hearing conference and hearing session is any meeting between the parties and the Panel. The following fees are assessed:

1 Pre-hearing conference session with the Panel @ \$1,200.00/session	= \$ 1,200.00
Pre-hearing conference: August 30, 2005 1 session	
5 Hearing sessions @ \$1,200.00/session	= \$ 6,000.00
Hearings: January 16, 2006 2 sessions	
January 17, 2006 1 session	
January 18, 2006 2 sessions	

Total Forum Fees	= \$ 7,200.00
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1. The Panel assessed \$3,600.00 of the forum fees to Claimant.
2. The Panel assessed \$3,600.00 of the forum fees to Respondent.

Fee Summary

1. Claimant is charged with the following fees and costs:

Initial Filing Fee	= \$ 500.00
<u>Forum Fees</u>	= \$ 3,600.00
Total Fees	= \$ 4,100.00
<u>Less payments</u>	= \$(1,700.00)
Balance Due NASD Dispute Resolution	= \$ 2,400.00

2. Respondent is charged with the following fees and costs:

Member Fees	= \$ 8,550.00
<u>Forum Fees</u>	= \$ 3,600.00
Total Fees	= \$12,150.00
<u>Less payments</u>	= \$(8,550.00)
Balance Due NASD Dispute Resolution	= \$ 3,600.00

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

ARBITRATION PANEL

David D. Holt	-	Non-Public Arbitrator, Presiding Chair
Salvatore A. Sciortino	-	Non-Public Arbitrator
Ronald F. Rybandt	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures



David D. Holt
Chair, Non-Public Arbitrator

1-19-06

Signature Date

Salvatore A. Sciortino
Non-Public Arbitrator

Signature Date

Ronald F. Rybandt
Non-Public Arbitrator

Signature Date

1/19/06
Date of Service

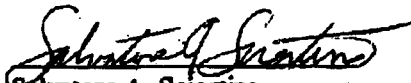
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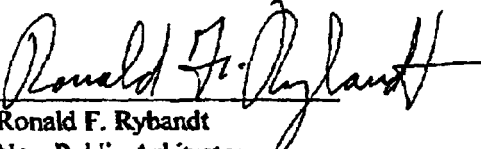
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Signature Date

Salvatore A. Sciortino
Non-Public Arbitrator

Signature Date



Ronald F. Rybandt
Non-Public Arbitrator

2-1-06

Signature Date

2/3/06

Date of Service