

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

J.P. Turner and Company, L.L.C. (Claimant) v. Sean Mescall (Respondent)

Case Number: 05-02740

Hearing Site: New York, New York

Nature of the Dispute: Member vs. Associated Person

REPRESENTATION OF PARTIES

Claimant J.P. Turner and Company, L.L.C. ("Claimant"): Dianne Papierniak, Esq., In-House counsel, J.P. Turner and Company, L.L.C., Atlanta, Georgia.

Respondent Sean Mescall ("Respondent") appeared *pro se*. Previously represented by Lawrence R. Gelber, Esq., Law Office of Lawrence Gelber, Brooklyn, New York.

CASE INFORMATION

Statement of Claim filed on or about: May 24, 2005.

Claimant signed the Uniform Submission Agreement: May 23, 2005.

Answer filed by the Respondent on or about: July 8, 2005.

Respondent did not sign the Uniform Submission Agreement.

CASE SUMMARY

Claimant asserted the following cause of action: breach of contract.

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

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$50,000.00, interest, costs, attorney's fees, and such other relief as the Panel may deem just and proper.

Respondent requested that Claimant's claims be dismissed in its entirety and that this matter be expunged from his CRD record.

OTHER ISSUES CONSIDERED AND DECIDED

Upon review of the file and the representations made on behalf of the Claimant, the undersigned arbitrators (the "Panel") determined that Respondent Sean Mescall has been properly served with the Statement of Claim and received due notice of the

hearing, and that arbitration of the matter would proceed without said Respondent present, in accordance with the NASD Code of Arbitration Procedure (the "Code").

Respondent Mescall did not file with NASD Dispute Resolution a properly executed Uniform Submission Agreement but is required to submit to arbitration pursuant to the Code and having answered the claim, is bound by the determination of the Panel on all issues submitted.

Claimant, the only party to appear at the hearing, 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 the Claimant \$25,000.00 in compensatory damages.
2. Respondent is liable for and shall pay to the Claimant \$1,000.00 to reimburse Claimant for the non-refundable filing fee previously paid to NASD Dispute Resolution.
3. 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	= \$ 1,000.00
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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 persons at the time of the events giving rise to the dispute. Accordingly, J.P. Turner and Company, L.L.C., is a party.

Member surcharge	= \$ 875.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$ 1,000.00

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 conference session with the Chairperson @ \$450.00 per session
Pre-hearing conference: September 22, 2005 1 session = \$ 450.00

One (1) Pre-hearing conference session with Panel @ \$600.00 per session = \$ 600.00
Pre-hearing conference: October 21, 2005 1 session

Two (2) Hearing sessions with Panel @ \$600.00 per session = \$1,200.00
Hearings: August 1, 2006 2 sessions

Total Forum Fees = \$ 2,250.00

The Panel has assessed \$2,250.00 of the forum fees against the Respondent

Fee Summary

1. Claimant is solely liable for:

Initial Filing Fee	= \$ 1,000.00
<u>Member Fees</u>	= \$ 2,625.00
<u>Total Fees</u>	= \$ 3,625.00
<u>Less payments</u>	= \$ 4,225.00
Refund Due the Claimant	= \$ 600.00

2. Respondent is solely liable for:

<u>Forum Fees</u>	= \$ 2,250.00
<u>Total Fees</u>	= \$ 2,250.00
<u>Less payments</u>	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 2,250.00

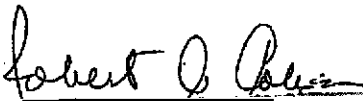
All balances are payable to NASD Dispute Resolution and are due upon receipt pursuant to Rule 10330(g) of the Code.

ARBITRATION PANEL

Robert A. Cohen	-	Non-Public Arbitrator, Presiding Chairperson
Steven J. Petrie	-	Non-Public Arbitrator
Robert J. Gorgia	-	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 is which is my award.



Robert A. Cohen
Non-Public Arbitrator, Presiding Chairperson

Signature Date

Steven J. Petrie
Non-Public Arbitrator

Signature Date

Robert J. Gorgia
Non-Public Arbitrator

Signature Date

August 4, 2006

Date of Service (For NASD Dispute Resolution use only)

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Signature Date



Robert J. Gorgia
Non-Public Arbitrator

8/3/06

Signature Date

August 4, 2006

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