

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Fidelity Brokerage Services, LLC (Claimant) vs. Yosef Bleier a/k/a J. Bleier (Respondent)

Case Number: 05-03236

Hearing Site: New York, New York

Nature of the Dispute: Member vs. Customer

REPRESENTATION OF PARTIES

Claimant Fidelity Brokerage Services, LLC hereinafter referred to as "Claimant": Laurence K. Richmond, Esq., Laurence K. Richmond & Associates, P.C., Quincy, MA.

Respondent Yosef Bleier a/k/a J. Bleier hereinafter referred to as "Respondent" did not enter an appearance in this matter.

CASE INFORMATION

Statement of Claim filed on or about: June 21, 2005.

Claimant signed the Uniform Submission Agreement: June 3, 2005.

Respondent did not submit a Statement of Answer or sign the Uniform Submission Agreement.

CASE SUMMARY

Claimant asserted the following causes of action: breach of contract, collection for debit balance of an options trading account. The cause of action relates to option call contracts for Apple Computer.

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$97,748.89 plus interest, attorneys' fees, and costs.

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 Yosef Bleier a/k/a J. Bleier 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").

Claimant, the only party to participate at the hearings, has 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, and the post-hearing submissions, 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 \$97,748.89 plus interest at a rate of 9% per annum beginning from April 14, 2005 until the date of this Award.
2. Respondent is liable for and shall pay to Claimant attorneys' fees in the amount of \$8,000.00. The Panel granted attorneys' fees pursuant to Section 12 of the Customer Agreement.
3. Respondent is liable for and shall pay to Claimant \$1,000.00 to reimburse Claimant for the non-refundable filing fee previously paid to NASD Dispute Resolution.
4. 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 person at the time of the events giving rise to the dispute. Accordingly, Fidelity Brokerage Services, LLC 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	= \$ 750.00
Pre-hearing conference: November 23, 2005 1 session	
One (1) Hearing session with Panel @ \$750.00	= \$ 750.00

Hearing Date: January 24, 2006 1 session
Total Forum Fees = \$ 1,500.00

1. The Panel has assessed \$1,500.00 of the forum fees to Respondent.

Fee Summary

1. Claimant is solely liable for:

Initial Filing Fee	= \$ 1,000.00
Member Fees	= \$ 3,550.00
Total Fees	= \$ 4,550.00
Less payments	= \$ 5,300.00
Refund Due Claimant	= \$ 750.00

2. Respondent is solely liable for:

Forum Fees	= \$ 1,500.00
Total Fees	= \$ 1,500.00
Less Payments	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 1,500.00

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

ABITRATION PANEL

Alan Shaw, Esq.	-	Public Arbitrator, Presiding Chairperson
Karl Bosch	-	Public Arbitrator
Robert W. Kenter	-	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.

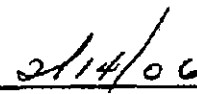
Alan Shaw, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

Karl Bosch
Public Arbitrator

Signature Date


Robert W. Kenter
Non-Public Arbitrator



Signature Date

February 21, 2006.

Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL

Alan Shaw, Esq.	-	Public Arbitrator, Presiding Chairperson
Karl Bosch	-	Public Arbitrator
Robert W. Kenter	-	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.

Alan Shaw
Alan Shaw, Esq.
Public Arbitrator, Presiding Chairperson

Feb 17, 2006
Signature Date

Karl Bosch
Public Arbitrator

Signature Date

Robert W. Kenter
Non-Public Arbitrator

Signature Date

February 21, 2006

Date of Service (For NASD Dispute Resolution use only)