

**NASD DISPUTE RESOLUTION AWARD**  
**NASD DISPUTE RESOLUTION**

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CASE: 05-05231

Mark Hart and Susan Hart, et al, (Claimants) vs. Fidelity Brokerage Services LLC, (Respondent)

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**ATTORNEYS:**

For Claimants appeared Scott A. Lane, Esq., of the firm Edgar Snyder & Associate, LLC, Pittsburgh, PA.

Respondent did not submit an Answer to the Statement of Claim.

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**NATURE OF DISPUTE:** Customers vs. Member

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**DATE FILED:** October 5, 2005

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**CASE SUMMARY:** Claimants alleged that Respondent misrepresented facts regarding their investments. Claimants further alleged breach of contract, negligence, breach of fiduciary duty and violations of securities laws. Claimants maintained that due to Respondent's actions, they suffered financial losses. Claimants' claim involved various common stock.

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**Claim Data**

Claim: \$14,992.64  
Punitive: Unspecified  
Treble Damages: Unspecified  
Interest: Unspecified  
Attorney Fees: Unspecified  
Filing Fees: Unspecified  
Other: \$.00

**Award Data**

Award: \$14,992.64  
Punitive: \$.00  
Treble Damages: \$.00  
Interest: \$.00  
Attorney Fees: \$5,000.00  
Filing Fees: \$425.00  
Other: \$.00

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**AWARD:** The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) Respondent is liable and shall pay to the Claimants \$14,992.64 2) Respondent is liable and shall pay to the Claimants \$5,000.00 for attorney fees pursuant to the Pennsylvania Unfair Trade Practices and Consumer Protection Law. 3) All requests for punitive damages are denied. 4) All requests for treble damages are denied. 5) All requests for interest are denied. 6) All other relief requests are denied. 7) NASD Dispute Resolution shall retain the \$425.00 filing fee that the Claimants deposited previously. 8) Respondent is liable and shall pay Claimant \$425.00 as reimbursement of the filing fee.

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**OTHER FEES:** Pursuant to Rule 10333 of the Code, Respondent has not paid to NASD Dispute Resolution the \$425.00 Member Surcharge previously invoiced.

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**OTHER ISSUES:** Pursuant to the By-Laws of NASD Dispute Resolution, the arbitrator determined that Respondent Fidelity Brokerage Services LLC was served notice of the Statement of Claim and Notification of Arbitrator by regular mail, and Overdue Notice by certified mail, and is therefore bound by the arbitrator's ruling and determination.

Linda Arlene Michler, Esq.

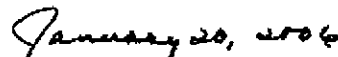
Sole Public Arbitrator

AFFIRMATION


I, Linda Arlene Michler, Esq., do hereby affirm, upon my oath as arbitrator that I am the individual described herein who executed this instrument, which is my oath and award.



Linda Arlene Michler, Esq.



(Signature Date)



Date of Service (For NASD-DR office use only)