

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

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In the Matter of the Arbitration Between:

The Estate of Diane Keith (Claimant) vs. Nathan Katz (Respondents)

Case Number: 05-05468

Hearing Site: Philadelphia, Pennsylvania

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Nature of the Dispute: Customer vs. Associated Person

**REPRESENTATION OF PARTIES**

Claimant Carole Baxter, as Executrix of the Estate of Diane Keith, hereinafter referred to as "Claimant": Jeffrey R. Solar, Esq., Blau & Solar, P.C., Feasterville, PA.

Respondent Nathan Katz hereinafter referred to as "Respondent": Daniel I. MacIntyre, Esq. and Robert M. Sommers, Esq., Shapiro Fussell, Atlanta, GA.

**CASE INFORMATION**

Statement of Claim filed on or about: October 17, 2005.

Claimant signed the Uniform Submission Agreement: October 6, 2005.

Statement of Answer filed by Respondent on or about: February 20, 2006.

Respondent signed the Uniform Submission Agreement: February 20, 2006.

**CASE SUMMARY**

Claimant asserted the following causes of action: forgery, undue influence, fraud, and improper authorization. The causes of action relate to unspecified securities.

Unless specifically admitted in his Answer, Respondent denied the allegations made in the Statement of Claim.

**RELIEF REQUESTED**

Claimant requested compensatory damages in the amount of \$48,000.00 and punitive damages in the amount of \$500,000.00.

Respondent requested dismissal of the Statement of Claim in its entirety, costs, attorneys' fees, and expungement of this matter from his CRD record.

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

On or about November 20, 2006 Claimant notified NASD Dispute Resolution that Claimant withdrew her claims with prejudice, and Respondent notified NASD Dispute Resolution that Respondent withdrew his requests for costs and attorneys' fees with prejudice.

On or about November 27, 2006 the Panel granted Respondent's request for an expungement conference. On December 12, 2006 a conference was held on Respondent's expungement request

The parties have agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered.

### **AWARD**

The parties entered into an agreement to present to the Panel a Stipulated Award. Now, in lieu of a hearing and upon motion of both parties for an entry of an award, the written stipulation thereto, the Panel grants the motion and enters this award granting the following relief:

1. Claimant's claims are withdrawn with prejudice.
2. Respondent's requests for costs and attorneys' fees are withdrawn with prejudice.
3. The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Nathan Katz's registration records maintained by the Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 04-16, Respondent Nathan Katz must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

Unless specifically waived in writing by the NASD, parties seeking judicial confirmation of an arbitration award containing expungement relief must name NASD as an additional party and serve NASD with all appropriate documents.

Pursuant to Rule 2130 of the NASD Code of Arbitration Procedure, the arbitration panel has made the following affirmative findings of fact:

The claim, allegation, or information is factually impossible or clearly erroneous.

4. Any and all relief not specifically addressed herein, including punitive damages, 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	= \$ 375.00
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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, TRIAD Advisors, Inc. is the Respondent's firm.

Member surcharge	= \$ 2,250.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$ 4,000.00

#### **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 arbitrators, that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with a single arbitrator@ \$450.00	= \$ 450.00
Pre-hearing conference: July 26, 2006	1 session

Two (2) Pre-hearing sessions with Panel @ \$1,200.00	= \$ 2,400.00
Pre-hearing conferences: May 22, 2006	1 session
December 12, 2006	1 session

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Total Forum Fees	= \$ 2,850.00
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1. The Panel has assessed \$2,850.00 of the forum fees to Claimant.

### **Fee Summary**

1. Claimant is solely liable for:

Initial Filing Fee	= \$ 375.00
Forum Fees	= \$ 2,850.00
Total Fees	= \$ 3,225.00
Less payments	= \$ 1,575.00
Balance Due NASD Dispute Resolution	= \$ 1,650.00

2. TRIAD Advisors, Inc. is solely liable for:

Member Fees	= \$ 7,000.00
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Total Fees	= \$ 7,000.00
<u>Less Payments</u>	<u>= \$ 7,000.00</u>
Balance Due NASD Dispute Resolution	= \$ 0.00

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

**ARBITRATION PANEL**

Joseph P. Flanagan, Jr., Esq.	-	Public Arbitrator, Presiding Chairperson
Margaret Mary Crumley	-	Public Arbitrator
Edward T. Borer	-	Non-Public Arbitrator

**Concurring Arbitrators' Signatures**

  
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Joseph P. Flanagan, Jr., Esq.  
Public Arbitrator, Presiding Chairperson

12/28/2006  
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Signature Date

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Margaret Mary Crumley  
Public Arbitrator

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Signature Date

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Edward T. Borer  
Non-Public Arbitrator

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Signature Date

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January 8, 2007

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Date of Service (For NASD Dispute Resolution use only)

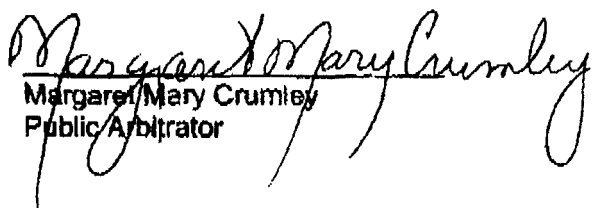
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Public Arbitrator, Presiding Chairperson

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Signature Date

  
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Margaret Mary Crumley  
Public Arbitrator

12/19/06  
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Signature Date

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