

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Frederick Jay Arnold, Jr. (Claimant) vs. Regional Brokers, Inc., Patrick C. Lubin, and Joseph A. Hemphill, III (Respondents)

Case Number: 05-05945

Hearing Site: Philadelphia, Pennsylvania

Nature of the Dispute: Associated Person vs. Member and Associated Persons

REPRESENTATION OF PARTIES

Claimant Frederick Jay Arnold, Jr. hereinafter referred to as "Claimant" appeared *pro-se*.

Respondents Regional Brokers, Inc. ("RBI"), Patrick C. Lubin ("Lubin"), and Joseph A. Hemphill, III ("Hemphill") hereinafter collectively referred to as "Respondents": G. Bradley Rainer, Esq., Eckell, Sparks, Levy, Auerbach, Monte, Rainer & Sloane, P.C., Media, PA.

CASE INFORMATION

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

Amended Statement of Claim filed on or about: March 23, 2006.

Response to Counterclaim filed on or about: March 23, 2006.

Claimant signed the Uniform Submission Agreement: January 4, 2006.

Joint Statement of Answer and Counterclaim filed by Respondents on or about: February 10, 2006.

Amended Statement of Answer filed by Respondents on or about: April 26, 2006.

RBI signed the Uniform Submission Agreement: February 28, 2006.

Lubin signed the Uniform Submission Agreement: February 18, 2006.

Hemphill signed the Uniform Submission Agreement: February 8, 2006.

CASE SUMMARY

Claimant asserted the following causes of action: unlawful termination and unpaid wages.

Unless specifically admitted in their Answer and Amended Answer, Respondents denied the allegations made in the Statement of Claim.

In its Counterclaim, RBI asserted the following cause of action: overpayment.

Unless specifically admitted in his Response to Counterclaim, Claimant denied the allegations made in the Counterclaim.

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$60,033.00 plus interest, punitive damages in the amount of \$30,000.00, and costs in the amount of \$975.00.

Respondents requested dismissal of the Statement of Claim in its entirety.

In its Counterclaim, RBI requested compensatory damages in the amount of \$10,200.00 plus interest, costs, and attorneys' fees.

Claimant requested dismissal of the Counterclaim in its entirety.

OTHER ISSUES CONSIDERED AND DECIDED

During the hearing Respondents Moved to Dismiss all claims against Respondent Lubin and Respondent Hemphill. The Panel heard all oral arguments on the Motion and, after due deliberation, granted the Motion to Dismiss.

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

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. Claimant's claims against Lubin and Hemphill are dismissed in their entirety.
2. Claimant's claims against RBI are denied in their entirety.
3. RBI's counterclaim against Claimant is denied in its entirety.
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	= \$	225.00
Counterclaim filing fee	= \$	750.00

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, Regional Brokers, Inc. is a party.

Member Surcharge	= \$	1,100.00
Pre-hearing Process Fee	= \$	750.00
Hearing Process Fee	= \$	1,700.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

July 12, 2006 adjournment by Respondents	= \$	750.00
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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) Decision on discovery-related motion on the papers with (1) one arbitrator @ \$200.00	= \$	200.00
Claimant submitted one (1) discovery-related motion		

One (1) Pre-hearing session with Panel @ \$750.00	= \$	750.00
Pre-hearing conference: May 22, 2006	1 session	

Two (2) Hearing sessions with Panel @ \$750.00	= \$	1,500.00
Hearing Dates: September 27, 2006	2 sessions	

Total Forum Fees	= \$	2,450.00
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1. The Panel has assessed \$1,225.00 of the forum fees to Claimant.
2. The Panel has assessed \$1,225.00 of the forum fees to RBI.

Fee Summary

1. Claimant is solely liable for:

Initial Filing Fee	= \$	225.00
Forum Fees	= \$	1,225.00
Total Fees	= \$	1,450.00
Less Payments	= \$	975.00
Balance Due NASD Dispute Resolution	= \$	475.00

2. Respondent RBI is solely liable for:

Counterclaim Filing Fee	= \$	750.00
Member Fees	= \$	3,550.00
Forum Fees	= \$	1,225.00
Total Fees	= \$	5,525.00
Less Payments	= \$	4,750.00

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Balance Due NASD Dispute Resolution = \$ 775.00

3. Respondents are jointly and severally liable for:

Adjournment Fee = \$ 750.00

Total Fees = \$ 750.00

Less Payments = \$ 0.00


Balance Due NASD Dispute Resolution = \$ 750.00

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

ARBITRATION PANEL

Cornelius C. Clancy	-	Non-Public Arbitrator, Presiding Chairperson
Jeffrey Steinberg	-	Non-Public Arbitrator
Gordon E. Wright	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures



Cornelius C. Clancy
Non-Public Arbitrator, Presiding Chairperson

9/28/06

Signature Date

Jeffrey Steinberg
Non-Public Arbitrator

Signature Date

Gordon E. Wright
Non-Public Arbitrator

Signature Date

October 4, 2006

Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL

Cornelius C. Clancy	-	Non-Public Arbitrator, Presiding Chairperson
Jeffrey Steinberg	-	Non-Public Arbitrator
Gordon E. Wright	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

Cornelius C. Clancy
Non-Public Arbitrator, Presiding Chairperson

Signature Date



Jeffrey Steinberg
Non-Public Arbitrator

9-29-2006

Signature Date

Gordon E. Wright
Non-Public Arbitrator

Signature Date

October 4, 2006

Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL

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