

**Award  
NASD Dispute Resolution**

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In the Matter of the Arbitration Between:

Michael Julian (Claimant) vs. Columbus Circle Investors (Respondent)

Case Number: 05-06500

Hearing Site: New York, New York

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Nature of the Dispute: Associated Person vs. Non-Member.

**REPRESENTATION OF PARTIES**

Claimant Michael Julian hereinafter referred to as "Claimant": William J. Foster, IV, Esq., McMillan, Constabile, Maker & Perone LLP, Larchmont, NY.

Respondent Columbus Circle Investors hereinafter referred to as "Respondent": Stephen P. Wright, Esq. and John C. Blessington, Esq., Kirkpatrick Lockhart Nicholson Graham LLP, Boston, MA.

**CASE INFORMATION**

Statement of Claim filed on or about: December 21, 2005.  
Claimant signed the Uniform Submission Agreement: December 19, 2005.

Statement of Answer filed by Respondent on or about: February 13, 2006.  
Respondent signed the Uniform Submission Agreement: February 10, 2006.

**CASE SUMMARY**

Claimant asserted the following causes of action: breach of Finder's Fee Agreement.

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

**RELIEF REQUESTED**

Claimants requested compensatory damages in an amount believed to be in excess of \$100,000.00, unspecified punitive damages, attorneys' fees, costs and such further relief as may be deemed appropriate by the arbitration panel.

Respondent requested the dismissal of the Statement of Claim, an award of its attorneys' fees, costs and any other relief the NASD deems just and necessary.

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

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, 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 \$109,000.00 plus interest at the rate of 8.25 percent per annum from September 24, 2004 until September 14, 2006.
2. 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
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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 firms that employed the associated persons at the time of the events giving rise to the dispute. Accordingly, Prudential Bache Securities, Inc. n/k/a Prudential Equity Group, LLC is the Claimant's former firm.

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 arbitrator(s), including a pre-hearing conference with the arbitrators, that lasts four (4) hours or less. Fees associated with these proceedings are:

Three (3) Pre-hearing sessions with Panel @ \$750.00	= \$2,250.00
Pre-hearing conferences:	
April 28, 2006	1 session
June 21, 2006	1 session
August 11, 2006	1 session
Three (3) Hearing sessions @ \$750.00 per session	= \$2,250.00

Hearing Dates:	September 13, 2006	2 sessions
	September 14, 2006	1 session
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Total Forum Fees		= \$4,500.00

1. The Panel has assessed \$2,250.00 of the forum fees to Claimant.
2. The Panel has assessed \$2,250.00 of the forum fees to Respondent.

**Fee Summary**

1. Claimant is solely liable for:

Initial Filing Fee	= \$ 225.00
Forum Fees	= \$2,250.00
<hr/> Total Fees	= \$2,475.00
Less payments	= \$1,425.00
<hr/> Balance Due NASD Dispute Resolution	= \$1,050.00
2. Respondent is solely liable for:

Forum Fees	= \$2,250.00
<hr/> Total Fees	= \$2,250.00
Less payments	= \$ 0.00
<hr/> Balance Due NASD Dispute Resolution	= \$2,250.00
3. Prudential Equity Group, LLC is solely liable for:

MemberFees	= \$3,550.00
<hr/> Total Fees	= \$3,550.00
Less payments	= \$ 0.00
<hr/> Balance Due NASD Dispute Resolution	= \$3,550.00

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

**ARBITRATION PANEL**

Bernard Herman	-	Public Arbitrator, Presiding Chairperson
John J. Vesey	-	Public Arbitrator
Jennifer J. Winstel	-	Non-Public Arbitrator

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 instrument, which is my award.

**Concurring Arbitrators' Signatures**

\_\_\_\_\_  
Bernard Herman  
Public Arbitrator, Presiding Chairperson

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
John J. Vesey  
Public Arbitrator

\_\_\_\_\_  
Signature Date

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Jennifer J. Winstel  
Non-Public Arbitrator

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Signature Date

\_\_\_\_\_  
Date of Service (For NASD Dispute Resolution use only)

**ARBITRATION PANEL**

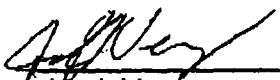
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Public Arbitrator, Presiding Chairperson

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Signature Date

  
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John J. Vesey  
Public Arbitrator

10/24/06  
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Signature Date

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Jennifer J. Winstel  
Non-Public Arbitrator

\_\_\_\_\_  
Signature Date

October 26, 2006

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Date of Service (For NASD Dispute Resolution use only)

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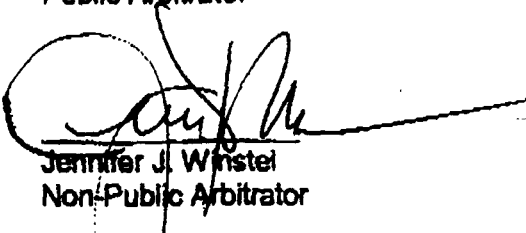
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John J. Vesey  
Public Arbitrator

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Signature Date

  
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Jennifer J. Winstel  
Non-Public Arbitrator

10/25/2006  
Signature Date

October 26, 2006

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Date of Service (For NASD Dispute Resolution use only)