

## AWARD

### NASD REGULATION, INC., OFFICE OF DISPUTE RESOLUTION

In the matter of the Arbitration Between

Name of Claimants

Michael Anisimov, Marina Stein and  
Slavik Stein a.k.a. Stanley Stein

v.

Arbitration No.  
96-01059

Name of Respondents

Baraban Securities Corporation and Roman Reznik

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### REPRESENTATION

For Claimants:

William W. Bloch, Esq.  
McMillan & Bloch  
Beverly Hills, California

For Respondents:

Robert A. Uhl  
Robert A. Uhl, Inc.  
Beverly Hills, California

### CASE INFORMATION

Statement of Claim filed:

March 4, 1996

Claimant Michael Anisimov's  
Submission Agreement signed:

February 20, 1996

Claimant Maria Stein's  
Submission Agreement signed:

February 26, 1996

Claimant Slavik Stein's  
Submission Agreement signed:

February 26, 1998

Joint Statement of Answer  
filed by Respondents:

July 29, 1996

Respondent Baraban Securities Corporation  
Submission Agreement signed:

July 12, 1996

Respondent Roman Reznik's  
Submission Agreement signed:

July 13, 1996

### **HEARING INFORMATION**

Pre Hearing Conference Dates / Sessions:

July 10, 1996 (1 session)  
December 19, 1996 ( 1 session)  
January 10, 1997 (1 session)

Hearing Dates / Sessions:

January 13, 1997 (2 Sessions)  
January 14, 1997 (2 Sessions)  
January 15, 1997 (2 Sessions)  
June 3, 1997 (2 Sessions)  
June 4, 1997 (2 Sessions)  
June 5, 1997 (2 Sessions)  
June 6, 1997 (2 Sessions)  
June 19, 1997 (2 Sessions)  
June 20, 1997 (2 Sessions)  
February 9, 1998 (2 Sessions)  
February 10, 1998 (2 Sessions)  
February 11, 1998 (2 Sessions)  
February 12, 1998 (2 Sessions)  
February 13, 1998 (2 Sessions)

Hearing Location:

Los Angeles, California

### **CASE SUMMARY**

Claimants alleged that Respondents engaged in fraud, negligent misrepresentation, breach of fiduciary duty, breach of contract, intentional infliction of emotional distress and churning in the recommendation of stocks and options. Claimant also alleged that Respondents recommended unsuitable securities. Claimant further alleged that Respondent Baraban Securities, Inc. failed to supervise its employee, Respondent Roman Reznik.

Respondent denied each and every allegation of wrongdoing set forth in the Claimant's Statement of Claim.

### **RELIEF REQUESTED**

Claimant Michael Anisimov requested \$171,000.00 in compensatory damages, plus interest. Claimant Michael Anisimov also requested costs and attorney's fees. Claimants Marina Stein and Slavik Stein requested \$71,000, plus interest. Claimants jointly requested punitive damages in the amount of \$250,000.00.

Respondents requested that the Arbitration Panel dismiss the Claimant's claim in its entirety. Respondents also requested an award of attorney's fees and costs.

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

The parties have agreed that the Award in this matter may be executed either in counterpart copies or that a handwritten, signed Award may be entered. In either case, the parties have agreed to receive conformed copies of the Award while the original remains on file with the NASD Regulation, Inc., Office of Dispute Resolution.

Due to a clerical error, the NASD overcharged Claimants for their filing fee and their hearing session deposit. Claimants were incorrectly assessed a \$250.00 filing fee, whereas \$200.00 should have been assessed. The \$50.00 difference shall be applied to Claimants' portion of the forum fees. Claimants were incorrectly assessed a \$1,000.00 hearing session deposit, whereas \$750.00 should have been assessed. The entire \$1,000.00 shall be applied to Claimants' portion of the forum fees.

Prior to the commencement of the arbitration hearing, Claimants Maria Stein and Slavik Stein dismissed their claims against the Respondents.

### **AWARD**

After considering the pleadings, the testimony, and the evidence presented at the hearing, the undersigned arbitrators have decided in full and final resolution of the issues submitted for determination as follows:

- 1) Respondents are jointly and severally liable to and shall pay to Claimant Michael Anisimov the sum of \$87,626.62 in compensatory damages.
- 2) Respondents are jointly and severally liable to and shall pay to Claimant Michael Anisimov the sum of \$100.00 for one-half the cost of filing the claim.
- 3) Claimants' claim for punitive damages is denied.
- 4) Claimants' claim for attorney's fees are denied.
- 5) All other claims are denied.

### **FORUM FEES**

Pursuant to Rule 10332(c) of the Code of Arbitration Procedure, the following forum fees are assessed:

One Full Panel Pre-Hearing Conference Session @ \$750.00 / Session	=	\$750.00
Two One Panel Member Pre-Hearing Conference Session @ \$300.00 / Session	=	\$600.00
Twenty-eight Hearing Sessions @ \$750.00 / Session	=	\$21,000.00
<u>Total Fees Assessed</u>	=	<u>\$22,350.00</u>

Claimant Anisimov's One-Half Share	=	\$11,175.00
Credit for Hearing Session Deposit, Including Overcharge	=	(\$1,000.00)
Credit for Overcharge of Filing Fee	=	(\$50.00)
<u>Claimant Anisimov's Balance Due</u>	=	<u>\$10,125.00</u>

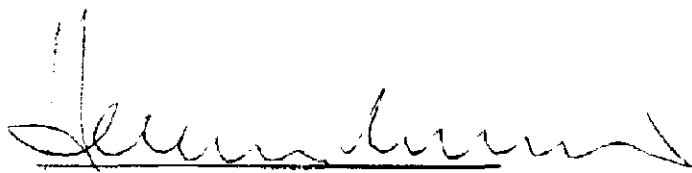
<u>Respondents' Joint and Several One-Half Share</u>	=	<u>\$11,175.00</u>
<u>Respondents' Joint and Several Balance Due</u>	=	<u>\$11,175.00</u>

Fees are payable to NASD Regulation, Inc.

ARBITRATORS

<u>Name</u> .....	<u>Public / Industry</u>
Herbert Murez, Esq.	Public Arbitrator
Walter W. Klosterman	Industry Arbitrator
Jacqueline Downs	Public Arbitrator

Concurring Arbitrators' Signatures

  
\_\_\_\_\_  
Herbert Murez, Esq.

\_\_\_\_\_  
Walter W. Klosterman

\_\_\_\_\_  
Jacqueline Downs

Date of Service: \_\_\_\_\_

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Walter W. Klosterman

  
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Jacqueline Downs

Date of Service: MARCH 18, 1998