

**Award**  
**NASD Regulation, Inc.**

In the Matter of the Arbitration Between

Name of Claimant

Janney Montgomery Scott Inc.

NASD Case No. 99-00249

Hearing Location: Philadelphia, PA

Name of Respondent

James A. Litras

**REPRESENTATION OF PARTIES**

Claimant Janney Montgomery Scott Inc., hereinafter referred to as "Claimant," was represented by Joseph J. Dougherty, Esq., West Chester, Pennsylvania.

Respondent James A. Litras, hereinafter referred to as "Respondent," did not appear.

**CASE INFORMATION**

Statement of Claim filed on or about: January 13, 1999.

Claimant signed the Uniform Submission Agreement: December 30, 1998.

No Statement of Answer was filed by Respondent.

No Uniform Submission Agreement was signed by Respondent.

**CASE SUMMARY**

Claimant instituted this claim against Respondent for breach of Agreement and Promissory Note. Claimant claimed that Respondent was a former employee, and that an Agreement and Promissory Note was signed by Respondent on July 21, 1997. On August 10, 1998, Respondent was terminated as an employee. Claimant alleged that as Respondent did not perform any services after the termination date, Respondent owed the balance of the Promissory Note.

Respondent did not file a response.

**RELIEF REQUESTED**

Claimant requested:

Compensatory Damages	\$ 52,500.00
Interest	\$ 2,623.08
Attorneys' Fees	\$ 2,800.00

Respondent did not request any relief.

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

Upon review of the file and the representations made on behalf of Claimant, the undersigned Panel of Arbitrators ("Panel") determined that Respondent has been properly served with the Statement of Claim and received due notice of the hearing, and that arbitration of the matter would proceed without said Respondent present, in accordance with the NASD Code of Arbitration Procedure ("Code").

Respondent did not file with the NASD Regulation, Inc. Office of Dispute Resolution ("NASD") a properly executed submission to arbitration, but is required to submit to arbitration pursuant to the Code and is bound by the determination of the Panel on all issues submitted.

The party, who was in attendance at the hearing, 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 decided in full and final resolution of the issues submitted for determination as follows:

1. That Respondent is liable and shall pay to Claimant \$52,500.00;
2. That Respondent is liable and shall pay to Claimant interest on the \$52,500.00 award of the preceding paragraph, at a rate of 4% simple interest per annum from August 10, 1998 until the award is paid in full;
3. That Respondent is liable for all costs of this proceeding. Therefore, Respondent is liable for all forum fees and shall reimburse Claimant's \$500.00 filing fee, which was previously submitted to the NASD pursuant to Rule 10205 of the Code. A summary of the forum fees for which Respondent is liable is specified below; and
4. That any and all relief not specifically addressed herein is denied.

### **FEES**

Pursuant to the Code, the following fees are assessed:

#### **Filing Fees**

NASD Regulation, Inc. will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee	= \$ 500.00
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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 any associated persons at the time of the events giving rise to the dispute. In this matter, the member firm is a party.

Member surcharge	= \$ 1,000.00
Pre-hearing process fee	= \$ 600.00
Hearing process fee	= \$ 1,500.00

**Adjournment Fees**

Adjournments requested during these proceedings: 0

**Forum Fees and Assessments**

The Panel assesses forum fees for each hearing session conducted. A hearing session is any meeting between the parties and the Panel, including a pre-hearing conference with the Panel, that lasts four (4) hours or less. Fees associated with these proceedings are:

1	Pre-hearing session with Panel x \$600.00	= \$ 600.00
	Pre-hearing conference:	
	August 11, 1999 1 session	
2	Hearing sessions x \$600.00	= \$ 1,200.00
	Hearing Date:	
	October 13, 1999 2 sessions	
TOTAL FORUM FEES		= \$ 1,800.00

1. As delineated in the "Award" section of this document, the Panel determined that Respondent shall reimburse Claimant for the \$500.00 filing fee.
2. The Panel assessed \$1,800.00 of the forum fees to Respondent.

**Fee Summary**

1. Claimant is solely liable for:	
Initial Filing Fee	= \$ 500.00
(The Panel directed Respondent to reimburse Claimant for this filing fee.)	
<u>Member Fees</u>	= \$ 3,100.00
Total Fees	= \$ 3,600.00
<u>Less payments</u>	= \$ 4,200.00
Balance Due NASD Regulation, Inc.	= \$ 0.00

2. Respondent is solely liable for:


Forum Fees	= \$ 1,800.00
Total Fees	= \$ 1,800.00
<u>Less payments</u>	= \$ 0.00
<b>Balance Due NASD Regulation, Inc.</b>	<b>= \$ 1,800.00</b>

All balances are due and payable to NASD Regulation, Inc.

DATE AWARD SIGNED:

Concurring Arbitrators' Signatures

11/9/99

  
John B. Ryan - Chairperson  
Industry Arbitrator

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Malcolm J. Irving  
Industry Arbitrator

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Robert I. Rabinowitz, Esq.  
Industry Arbitrator

November 13, 1999  
Date of Service (For NASD office use only)

2. Respondent is solely liable for:

Forum Fees	= \$ 1,800.00
Total Fees	= \$ 1,800.00
<u>Less payments</u>	= \$ 0.00
<b>Balance Due NASD Regulation, Inc.</b>	<b>= \$ 1,800.00</b>

All balances are due and payable to NASD Regulation, Inc.

DATE AWARD SIGNED:

Concurring Arbitrators' Signatures

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John B. Ryan - Chairperson  
Industry Arbitrator

11/8/99

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Malcolm J. Irving  
Industry Arbitrator

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Robert I. Rabinowitz, Esq.  
Industry Arbitrator

November 12, 1999  
Date of Service (For NASD office use only)

2. Respondent is solely liable for:

Forum Fees	= \$ 1,800.00
Total Fees	= \$ 1,800.00
<u>Less payments</u>	= \$ 0.00
<b>Balance Due NASD Regulation, Inc.</b>	<b>= \$ 1,800.00</b>

All balances are due and payable to NASD Regulation, Inc.

DATE AWARD SIGNED:

Concurring Arbitrators' Signatures

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John B. Ryan - Chairperson  
Industry Arbitrator

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Malcolm J. Irving  
Industry Arbitrator

Nov. 8, 1999

Robert I. Rabinowitz  
Robert I. Rabinowitz, Esq.  
Industry Arbitrator

November 12, 1999  
Date of Service (For NASD office use only)