

**Final Order**  
**NASD Dispute Resolution**

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In the Matter of the Arbitration Between:

First Montauk Securities Corp., (Claimant) vs. Jeff Zieger, (Respondent)

Case Number: 99-00555

Hearing Site: New York, New York

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**REPRESENTATION OF PARTIES**

Claimant, First Montauk Securities Corp., hereinafter referred to as "Claimant": Lloyd S. Clareman, Esq., a sole practitioner, New York, NY.

Respondent, Jeff Zieger, hereinafter referred to as "Respondent", appeared *pro se*.

**CASE INFORMATION**

Statement of Claim filed on or about: February 4, 1999.

Claimant signed the Uniform Submission Agreement: January 29, 1999.

Respondent did not file a Statement of Answer or sign a Uniform Submission Agreement.

**CASE SUMMARY**

Claimant asserted the following causes of action: breach of contract and breach of Promissory Note.

**RELIEF REQUESTED**

Claimant requested:

- a. Compensatory damages in the amount of \$15,105.76, representing the balance due on the Promissory Note;
- b. Interest at the rate of 10% from March 3, 1997;
- c. Attorneys' fees incurred in bringing this arbitration, the amount of which will be provided at the hearing; and
- d. All hearing costs and other expenses in connection with this arbitration.

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

The Arbitrator has decided to dismiss this arbitration, without prejudice, due to the fact that there has been no activity in this case for over a year.

Respondent did not file with NASD Dispute Resolution a properly executed submission to arbitration but is required to submit to arbitration pursuant to the NASD Code of Arbitration Procedure and is bound by the determination of the Arbitrator on all issues submitted.

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.

### **DECISION**

After considering the lack of activity in this case for over a year, the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimant's claim is hereby denied in its entirety, without prejudice.
2. All other requests for relief are hereby 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 = \$ 500.00

#### **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. In this matter, First Montauk Securities Corp. is a party.

Member surcharge = \$ 400.00

**Forum Fees and Assessments**

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

One (1) Pre-hearing session with a single arbitrator x \$300.00	= \$ 300.00
Pre-hearing conference: April 2, 2001 1 session	
Total Forum Fees	= \$ 300.00

The Arbitrator has assessed all of the forum fees against Claimant.

**Fee Summary**

1. Claimant is solely liable for:

Initial Filing Fee	= \$ 500.00
Member Fees	= \$ 400.00
Forum Fees	= \$ 300.00
Total Fees	= \$1,200.00
Less payments	= \$1,200.00
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**

James P. O'Neill, Esq.

- Public Arbitrator

**Arbitrator's Signature**

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.

  
James P. O'Neill, Esq.  
Public Arbitrator

  
Signature Date

October 28, 2002

Date of Service (For NASD Dispute Resolution use only)