

Award
NASD Regulation, Inc.

In the Matter of the Arbitration Between:

Edward J. Globie vs. H.J. Meyers & Co., Inc., Joseph Giordano, and SG Cowen Securities Corporation f/k/a Cowen & Co.

Case Number: 99-1081

Hearing Site: Detroit, Michigan

REPRESENTATION OF PARTIES

Claimant, Edward J. Globie ("Globie"), hereinafter referred to as "Claimant": David M. Foster, Esq., Farmington Hills, Michigan.

Respondent, SG Cowen Securities Corporation f/k/a/ Cowen & Co. ("SG Cowen"): Peter Byer, Esq., SG Cowen, New York, New York.

Respondent, H.J. Meyers & Company, Inc. ("H.J. Meyers"): Bankruptcy Trustee - Lucien A. Morin, II, Esq., Rochester, New York.

Respondent Joseph J. Giordano ("Giordano"): did not appear.

CASE INFORMATION

Statement of Claim filed on or about: March 1, 1999

Claimant signed the Uniform Submission Agreement: January 19, 1999

Statement of Answer filed by Respondent SG Cowen on or about: June 29, 1999

CASE SUMMARY

Claimant asserted the following causes of action: breach of fiduciary duty, violation of Michigan Blue Sky Laws, violation of Section 10(b) of the Securities Exchange Act and SEC Rule 10B-5-Churning, negligence. The causes of action relate to trading activity in Claimant's investment account.

Unless specifically admitted in its Answer, Respondent SG Cowen denied the allegations made in the Statement of Claim and asserted the following defenses: SG Cowen indurated into a clearing arrangement with the predecessor firm to H.J. Meyers and clearing firms are not liable for fraudulent activities allegedly committed by the introducing brokers, and that Claimant ratified the trades in question.

RELIEF REQUESTED

Claimant requested: damages of \$15,117.00, plus interest, costs, and \$2,500.00 as attorney fees.

Respondent SG Cowen requested: Dismissal

OTHER ISSUES CONSIDERED AND DECIDED

Upon review of the file and the representations made by/on behalf of the Claimant, the undersigned arbitrator (the "Arbitrator") determined that Respondent Joseph J. Giordano has not been properly served with the Statement of Claim and did not receive due notice of the hearing.

Respondent Cowen and Company did not file with the NASD Regulation, Inc. Office of Dispute Resolution a properly executed submission to arbitration but is required to submit to arbitration pursuant to the Code and having answered the claim and appeared and testified at the hearing, is bound by the determination of the Arbitrator on all issues submitted.

Respondent H.J. Meyers & Co., Inc. is subject to a Bankruptcy Stay.

At hearing, Claimant moved for default judgment against Respondent Giordano, said motion taken under advisement by the Arbitrator.

Any and all claims against Respondents H.J. Meyers & Co., Inc., and Joseph J. Giordano were not adjudicated by the Arbitrator.

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 Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

- 1.) Claimant Edward J. Globie's claim against Cowen & Company is dismissed;
- 2.) That other than Forum Fees which are specified below, the parties shall each bear their own costs and expenses incurred in this matter;
- 3.) That any relief not specifically enumerated, including attorney fees is hereby denied with prejudice.

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 = \$100.00

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm(s) that employed the associated person(s) at the time of the event(s)

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giving rise to the dispute. In this matter, the member firms are parties.
Member surcharge (SG Cowen) = \$ 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:

Two (2) Pre-hearing sessions with Arbitrator x \$300.00	= \$600.00
Pre-hearing conference: October 4, 1999 1 session	
December 14, 1999 1 session	
One (1) Hearing sessions x \$300.00	= \$300.00
Hearing Date: March 2, 2000 1 session	
Total Forum Fees	= \$900.00

The Arbitrator has assessed \$300.00 of the forum fees to Edward J. Globie.
The Arbitrator has assessed \$300.00 of the forum fees to SG Cowen.

Fee Summary

Claimant, Edward J. Globie, be and hereby is solely liable for:


Initial Filing Fee	= \$ 100.00
Forum Fees	= \$ 450.00
Total Fees	= \$ 550.00
Less payments	= \$ 800.00
Balance Due NASD Regulation, Inc.	= \$(250.00)

Respondent, SG Cowen, be and hereby is solely liable for:

Member Fees	= \$ 400.00
Forum Fees	= \$ 450.00
Total Fees	= \$ 850.00
Less payments	= \$ 0.00
Balance Due NASD Regulation, Inc.	= \$ 850.00

All balances are due to NASD Regulation, Inc.

Concurring Arbitrator's Signature


Jeffry M. Bauer, Esq.
Public Arbitrator, Presiding Chair

 24 2000
Signature Date

Date of Service (For NASD office use only)