

Award
NASD Regulation, Inc.

In the Matter of the Arbitration Between:

Bettina M. Hartwig (Claimant) vs. Shashin J. Patel, Carlin Equities Corporation,
Reliance Capital, Inc., and Generic Trading of Philadelphia (Respondents)

Case Number: 99-01159

Hearing Site: Chicago, Illinois

REPRESENTATION OF PARTIES

Claimant Bettina Hartwig ("Hartwig"): James J. Eccleston, Esq., Eccleston & Associates, P.C., Roseland, New Jersey

Respondent Shashin J. Patel ("Patel") was *pro se*

Respondent Reliance Capital, Inc. ("Reliance"): Praveen K. Bajaj and Sarup Deol appeared as corporate representatives

Respondent Generic Trading of Philadelphia ("Generic Trading") and Carlin Equities Corporation ("Carlin Equities"): Richard Szuch, Esq., Lowenstein, Sandler, P.C., Roseland, New Jersey

CASE INFORMATION

Statement of Claim filed on or about: March 11, 1999.

Claimant Hartwig, signed the Uniform Submission Agreement: February 22, 1999.

Statement of Answer filed by Respondent Reliance on or about: December 31, 1999

Statement of Answer filed by Respondent Carlin Equities on or about: December 22, 1999

Statement of Answer filed by Respondent Generic Trading on or about: December 22, 1999

Respondent Reliance signed the Uniform Submission Agreement: February 28, 2000.

Respondent Patel signed the Uniform Submission Agreement: February 28,

2000.

Respondent Carlin signed the Uniform Submission Agreement: March 15, 2000.

CASE SUMMARY

Claimant asserted the following causes of action: breach of fiduciary duty, common law fraud, conversion, negligence, and violation of securities laws. The causes of action relate to Respondents alleged unsuitability, excess trading, misrepresentation of their investment program, disregard of Claimants investment objectives and failure to inform Claimant that her investment objectives were not being met.

Unless specifically admitted in their Answers Respondents denied the allegations made in the Statement of Claim and asserted the following affirmative defenses: failure to state a claim for which relief may be granted; no jurisdiction to arbitrate this claim; the doctrine of estoppel; claims barred by principals of waiver and ratification of transactions; statute of limitations; the claims are barred by the doctrine of unclean hands.

RELIEF REQUESTED

Claimant requested:

Compensatory Damages	\$ 400,000.00
Punitive Damages	unspecified
Interest	unspecified
Attorneys' Fees	17,092.50
Other Costs	unspecified
Other Monetary/Non-Monetary Relief if any:	unspecified

Respondents Requested:

Other Monetary/Non-Monetary Relief if any: dismissal of claims

OTHER ISSUES CONSIDERED AND DECIDED

Claimant Bettina Hartwig entered into settlement agreements with Respondents Carlin Equities and Generic Trading of Philadelphia. Consequently, these Respondents were dismissed with prejudice from this arbitration.

AWARD

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

1. Respondents Shashin Patel and Reliance Capital, Inc. shall be and hereby are jointly and severally liable to Claimant Bettina Hartwig in the amount of \$58,047.00 as compensatory damages;
2. Respondents Shashin Patel and Reliance Capital, Inc. shall be and hereby are jointly and severally liable to Claimant Bettina Hartwig for attorney in the amount of \$17,092.50. The panel considered the arguments of the parties and the pleadings filed on their behalf and determined that authority existed for an award of attorney's fees to the claimant;
3. Respondents Shashin Patel and Reliance Capital, Inc. shall reimburse Claimant Bettina Hartwig's \$200.00 filing fee; and
4. 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 Regulation, Inc. will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee	= \$200.00
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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 the associated person at the time of the events giving rise to the dispute. In this matter, the member firms are parties.

Member surcharge	= \$1,500.00
Pre-hearing process fee	= \$ 600.00
<u>Hearing process fee</u>	<u>= \$2,500.00</u>
Total	= \$4,600.00

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

Two (2) Pre-hearing sessions with a single arbitrator x \$300.00	= \$600.00
Pre-hearing conferences: September 14, 2000	1 session
February 09, 2001	

One (1) Pre-hearing session with Panel x \$750.00	= \$750.00
Pre-hearing conference: February 20, 2001	1 session
Two (2) Hearing sessions x \$750.00	= \$1,500.00
Hearing Dates: March 05, 2001	2 sessions
Total Forum Fees	= \$2,850.00

1. The Panel has assessed \$2,850.00 of the forum fees jointly and severally to Respondents Patel and Reliance Capital.

Fee Summary

1. Claimant Hartwig shall be and hereby is solely liable for:

<u>Initial Filing Fee</u>	= \$ 200.00
<u>Total Fees</u>	= \$ 200.00
<u>Less payments</u>	= \$ 950.00
Refund Due from NASD Regulation, Inc.	= \$ 750.00

2. Respondent Reliance shall be and hereby is solely liable for:

<u>Member Fees</u>	= \$4,600.00
<u>Total Fees</u>	= \$4,600.00
<u>Less payments</u>	= \$3,100.00
Balance Due NASD Regulation, Inc.	= \$1,500.00

3. Respondent Carlin shall be and hereby is solely liable for:

<u>Member Fees</u>	= \$4,600.00
<u>Total Fees</u>	= \$4,600.00
<u>Less payments</u>	= \$4,600.00
Balance Due NASD Regulation, Inc.	= \$ 0.00

4. Respondents Patel and Reliance shall be and hereby are jointly and severally liable for:

<u>Forum Fee</u>	= \$2,850.00
Balance Due NASD Regulation, Inc.	= \$2,850.00

All balances are due to NASD Regulation, Inc.

ARBITRATION PANEL

Robert S. Thomas, Esq.	-	Public/Non-Public, Presiding Chair
David L Buffen, Esq.	-	Public/Non-Public Arbitrator
William R. Smith	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

/s/ Robert Thomas

06/06/01

Robert S. Thomas, Esq.
Public Arbitrator, Presiding Chair

Signature Date

/s/ David L. Buffen

06/06/01

David L. Buffen, Esq.
Public Arbitrator

Signature Date

/s/ William R. Smith

06/07/01

William R. Smith
Industry Arbitrator

Signature Date

06/11/01

Date of Service (For NASD office use only)

Jun 06 01 01:33p

06/05/01 TUE 14:20 FAX

Robert S Thomas, Atty
NASD REGULATION

(847) 392-5894

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David L. Buffen, Esq.	-	Public/Non-Public Arbitrator
William R. Smith	-	Non-Public Arbitrator

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Robert S. Thomas, Esq.
Public Arbitrator, Presiding Chair

6/6/1
Signature Date

David L. Buffen, Esq.
Public Arbitrator

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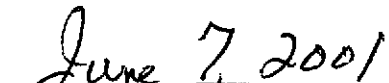
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David L. Buffen, Esq.
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