

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between:

Leerink Swann & Company, Claimant vs. Paul Sheldon, Respondent

Case Number: 99-01570

Hearing Site: Boston, Massachusetts

REPRESENTATION OF PARTIES

Claimant, Leerink Swann & Company, hereinafter referred to as "Claimant": Susan Drogin, Esq., Applegate, Valauskas, Rosen & Bernstein, Boston, Massachusetts

Respondent, Paul Sheldon, hereinafter referred to as "Respondent": Paul Boylan, Esq., Burns & Levinson, Boston, Massachusetts

CASE INFORMATION

Statement of Claim filed on or about: April 5, 1999

Claimant signed the Uniform Submission Agreement: March 31, 1999

Statement of Answer filed by Respondent on or about: September 9, 1999

Respondent did not submit an executed agreement to arbitrate.

CASE SUMMARY

Claimant alleged that Respondent breached his employment contract by failing to satisfy the balance of the loans which Claimant made in the form of cash advances on commissions.

Respondent denied the allegations made in the Statement of Claim and asserted that the Employment Agreement contradicted oral agreements he made with Claimant, and that he was forced to execute it.

RELIEF REQUESTED

Claimant requested:

Compensatory Damages

\$27,437.57

Interest

Amount Not Specified

Attorneys' Fees

Amount Not Specified

Other Costs

Amount Not Specified

Respondent requested that the claims be denied in their entirety.

OTHER ISSUES CONSIDERED AND DECIDED

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

The Arbitrator considered Claimant's Motion to Strike Appearance of Respondent's Counsel and to Compel the Recusal of the Arbitrator, and Respondent's Responses thereto, and denied the Claimant's Motions.

The Arbitrator also considered Respondent's Motion for Sequestration of Witnesses and Motion for Directed Verdict, and Claimant's Responses thereto, and granted the Motion for Sequestration of Witnesses and denied the Motion for Directed Verdict.

The parties agreed that a handwritten, signed Award may be entered.

AWARD

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

1. That Respondent is liable to and shall pay to Claimant \$27,437.57, plus \$7,408.14 in interest; and
2. That each party shall bear their own costs and expenses, including attorneys' fees, with the exception of forum fees as specified below; and
3. 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 = \$1,000

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 firm is a party.

Member surcharge = \$600

Pre-hearing process fee = \$600

Hearing process fee = \$1,000

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:

1 Pre-hearing session with a single arbitrator x \$450		= \$450
Pre-hearing conference:	February 3, 2000	1 session
2 Hearing sessions x \$450		= <u>\$900</u>
Hearing Date:	July 20, 2000	2 sessions
Total Forum Fees		= \$1,350

The Arbitrator assessed \$1,350 of the forum fees to Respondent.

Fee Summary

Claimant is solely liable for:

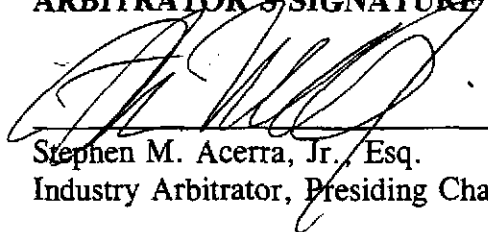
Initial Filing Fee	= \$1,000
Member Fees	= \$2,200
Total Fees	= \$3,200
Less payments	= \$3,650
Refund Due Claimant	= \$450

Respondent is solely liable for:

Forum Fees	= \$1,350
Total Fees	= \$1,350
Less payments	= -0-
Balance Due NASD Dispute Resolution, Inc.	= \$1,350

All balances are due to NASD Dispute Resolution, Inc. and are payable within 30 days of the service date of this Award.

ARBITRATOR'S SIGNATURE



Stephen M. Acerra, Jr., Esq.
Industry Arbitrator, Presiding Chairman

09-28-2000

Date Signed

October 2, 2000
Date of Service (For NASD office use only)