

Final Order
NASD Dispute Resolution

In the Matter of the Arbitration Between:

The J.B. Sutton Group, LLC, (Claimant) vs. James Scott, (Respondent)

Case Number: 99-02562

Hearing Site: New York, New York

REPRESENTATION OF PARTIES

Claimant, The J.B. Sutton Group, LLC, hereinafter referred to as "Claimant": Michael S. Finkelstein, Esq., a sole practitioner, Garden City, NY. Previously represented by: Gregg R. Evangelist, Esq., Counsel, The J.B. Sutton Group, LLC, Great Neck, NY.

Respondent, James Scott, hereinafter referred to as "Respondent": John D. Singer, Esq., Proskauer Rose LLP, New York, NY.

CASE INFORMATION

Statement of Claim filed on or about: June 3, 1999.

Claimant signed the Uniform Submission Agreement: June 3, 1999.

Statement of Answer filed by Respondent on or about: September 2, 1999.

Respondent did not sign a Uniform Submission Agreement.

CASE SUMMARY

Claimant asserted the following causes of action: breach of contract and loan agreement.

Unless specifically admitted in his Answer, Respondent denied the allegations made in the Statement of Claim.

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$47,755.00, plus interest at the rate of 8% per year, attorneys' fees, the costs, fees and expenses of this arbitration, and such other relief as is just and proper.

Respondent did not make any relief requests in his Statement of Answer.

OTHER ISSUES CONSIDERED AND DECIDED

On or about July 27, 2001, NASD Dispute Resolution staff contacted Claimant's counsel via telephone regarding the status of this matter. Claimant's counsel advised that he would confer with Respondent in order to provide NASD Dispute Resolution with agreed upon dates for the scheduling of this arbitration. NASD Dispute Resolution did not receive the requested dates from Claimant. On or about April 4, 2002, NASD Dispute Resolution staff again contacted Claimant's counsel via telephone to inquire about the status of this matter. Once again, Claimant's counsel advised that he would contact Respondent and provide NASD Dispute Resolution with agreed upon dates for the scheduling of this arbitration. To date, Claimant's counsel has not provided said dates. After due consideration, the Arbitrator has decided to dismiss this arbitration in its entirety, without prejudice, due to Claimant's lack of prosecution.

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, having answered the claim, 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 Claimant's failure to provide NASD Dispute Resolution with agreed upon dates for the scheduling of this arbitration, the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimant's claims are hereby dismissed in their 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	= \$1,000.00
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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 J.B. Sutton Group, LLC is a party.

Member surcharge	= \$ 800.00
Pre-hearing process fee	= \$ 600.00

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 \$450.00	= \$ 450.00
Pre-hearing conference: February 23, 2000 1 session	
Total Forum Fees	= \$ 450.00

1. The Arbitrator has assessed \$225.00 of the forum fees against Claimant.
2. The Arbitrator has assessed \$225.00 of the forum fees against Respondent.

Fee Summary

1. Claimant is solely liable for:

Initial Filing Fee	= \$1,000.00
Member Fees	= \$1,400.00
Forum Fees	= \$ 225.00
Total Fees	= \$2,625.00
Less payments	= \$2,850.00
Refund Due Claimant	= \$ 225.00

2. Respondent is solely liable for:

Forum Fees	= \$ 225.00
Total Fees	= \$ 225.00
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 225.00

All balances are payable to NASD Dispute Resolution, and are due upon receipt pursuant to Rule 10330(g) of the Code.

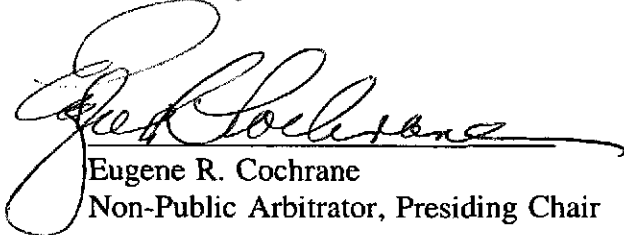
ARBITRATION PANEL

Eugene R. Cochrane

- Non-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.



Eugene R. Cochrane
Non-Public Arbitrator, Presiding Chair

10/17/2002
Signature Date

October 24, 2002

Date of Service (For NASD Dispute Resolution use only)