

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between:

Leerink, Swann, Garrity, Sollami, Yaffe & Wynn, Inc., (Claimant) vs. Guaro Coen,
(Respondent)

Case Number: 99-05166

Hearing Site: Boston, Massachusetts

REPRESENTATION OF PARTIES

Claimant, Leerink, Swann, Garrity, Sollami, Yaffe & Wynn, Inc., hereinafter referred to as
"Claimant": Susan F. Drogin, Esq., a sole practitioner, Boston, MA.

Respondent, Guaro Coen, hereinafter referred to as "Respondent": Jonathan D. Berg, Esq.,
Law Offices of Jonathan Kord Lagemann, New York, NY.

CASE INFORMATION

Statement of Claim filed on or about: November 12, 1999.

Claimant signed the Uniform Submission Agreement: November 12, 1999.

Statement of Answer filed by Respondent on or about: March 9, 2000.

Respondent signed the Uniform Submission Agreement: March 8, 2000.

CASE SUMMARY

Claimant asserted the following causes of action: failure to reimburse Claimant for salary
received in violation of employment agreement and overpayment of commission.

Unless specifically admitted in his Answer, Respondent denied the allegations made in the
Statement of Claim and asserted the following defenses: Claimant's attempt to enforce its
employment agreement violates state law by trying to recover Respondent's earned wages;
Claimant's claim that Respondent was paid twice, as established by its own business records,
fails; and Respondent never received duplicate commission checks.

RELIEF REQUESTED

Claimant requested an Award for the following:

1. All amounts due and owing under the terms of Respondent's employment agreement, totaling \$15,870.93, plus interest at the rate of 12% (pursuant to Massachusetts law, as provided by the employment agreement) from January 22, 1999;
2. Other consequential damages, including reasonable attorney's fees, costs, and forum fees; and
3. All other relief that the Arbitrator deems just and equitable.

Respondent requested a decision dismissing the claim, awarding Respondent his attorney's fees, and assessing all costs of this proceeding against Claimant.

OTHER ISSUES CONSIDERED AND DECIDED

During the hearing in this matter, Respondent admitted that he had received duplicate commission payments of \$1,075.03. Respondent tendered Claimant a check in the amount of \$1,075.03, which Claimant accepted.

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. Respondent be and hereby is liable for and shall pay to Claimant the sum of \$435.00, representing interest accrued on the amount of \$1,075.03 for the period of January 22, 1998 through January 9, 2001.
2. All other requests for relief are hereby denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution, Inc. will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee = \$ 750.00

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, Leerink, Swann, Garrity, Sollami, Yaffe & Wynn, Inc. 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:

Two (2) Pre-hearing sessions with a single arbitrator x \$450.00 = \$ 900.00

Pre-hearing conferences: October 25, 2000 1 session
 November 21, 2000 1 session

One (1) Hearing session x \$450.00 = \$ 450.00

Hearing Date: January 9, 2001 1 session

Total Forum Fees = \$1,350.00

1. The Arbitrator has assessed \$675.00 of the forum fees against Claimant.
2. The Arbitrator has assessed \$675.00 of the forum fees against Respondent.

Fee Summary

1. Claimant be and hereby is solely liable for:	
Initial Filing Fee	= \$ 750.00
Member Fees	= \$ 400.00
Forum Fees	= \$ 675.00
Total Fees	= \$1,825.00
Less payments	= \$1,650.00
Balance Due NASD Dispute Resolution, Inc.	= \$ 175.00
2. Respondent be and hereby is solely liable for:	
Forum Fees	= \$ 675.00
Total Fees	= \$ 675.00
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution, Inc.	= \$ 675.00

All balances are due and payable to NASD Dispute Resolution, Inc.

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NASD REGULATION

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Arbitrator's Signature


Vito J. Cassan, Esq.
Industry Arbitrator

1/19/01
Signature Date

January 23, 2001
Date of Service (For NASD office use only)