

January 20, 2010

Harry P Susman, Esq.  
Susman Godfrey LLP

[REDACTED]  
Houston, TX 77002

Subject: FINRA Dispute Resolution Arbitration Number 09-00979  
Financial Trust Company, Inc. and The C.O.U.Q. Foundation, Inc. v. Warren Spector

Dear Mr. Susman:

Pursuant to the Code of Arbitration Procedure, your case is ready for the appointment of Arbitrators.

Please be advised that the Securities and Exchange Commission (SEC) has approved the Codes of Arbitration Procedure for Customer (Customer Code) and Industry (Industry Code) disputes. The Customer and Industry Codes became effective on April 16, 2007 and apply to all claims filed on or after the effective date. Please note that the list selection provisions of the new Customer or Industry Codes apply to claims filed prior to the effective date in which a list of Arbitrators has not yet been generated and sent to the parties, or in which an entirely new list of Arbitrators must be generated. In cases where a new list must be generated, even though the list has been generated under the new Customer or Industry Codes, the claim will continue to be governed by the remaining provisions of the old Code of Arbitration Procedure (Old Code), unless all parties agree to proceed under the new Customer or Industry Codes. A brief summary of the rules pertaining to Arbitrator selection is below.

The Code of Arbitration Procedure<sup>1</sup> provides that FINRA Dispute Resolution will send to the parties a list of Arbitrators within 30 days after the last answer is due. The enclosed Arbitrator list(s) for the above-referenced case are sent in accordance with the applicable new Code. In addition to the Arbitrator lists, also enclosed is each Arbitrator's Arbitrator Disclosure Report for your review. The Arbitrator Disclosure Reports include each Arbitrator's past NASD and FINRA awards. NYSE awards are not currently listed on the Arbitrator Disclosure Reports. However, the Arbitrator's NASD, FINRA, and NYSE awards, if any, are available through our online award database at [www.finra.org/arbitrationmediation/index.htm](http://www.finra.org/arbitrationmediation/index.htm).

**Panel Composition**

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<sup>1</sup>Customer Code Rule 12403(b)  
Industry Code Rule 13403(b)

1. Single Arbitrator Cases

Where the amount in controversy is \$100,000 or less, the Code of Arbitration Procedure<sup>2</sup> requires that one Arbitrator hear the case, unless all parties agree otherwise in writing.

In single Arbitrator cases, FINRA Dispute Resolution will send the following lists to all parties, depending on the type of claim.

A. For all Public Customer Cases and any Intra-Industry Claims Brought Under Industry Code Rule 13402(b)

In accordance with the Code of Arbitration Procedure,<sup>3</sup> a single public Arbitrator will be appointed from the public Chairperson roster. FINRA Dispute Resolution will send each party a list containing eight public Chairperson names. In accordance with the Code of Arbitration Procedure,<sup>4</sup> each separately represented party may strike up to four of the arbitrators from the list by crossing through the names of the Arbitrators. At least four names must remain on the list. If an Arbitrator on the parties' consolidated list is not available to fill the slot on the Panel, the Director will appoint the next available Arbitrator.

B. For Intra-Industry Claims Brought Under Industry Code Rule 13402(a)

In accordance with the Code of Arbitration Procedure,<sup>5</sup> a single non-public Arbitrator will be appointed from the non-public Chairperson roster. FINRA Dispute Resolution will send each party a list containing eight non-public Chairperson names. In accordance with the Code of Arbitration Procedure,<sup>6</sup> each separately represented party may strike up to four of the Arbitrators from the list by crossing through the names of the Arbitrators. At least four names must remain on the list. If an Arbitrator on the parties' consolidated list is not available to fill the slot on the Panel, the Director will appoint the next available Arbitrator.

2. Three Arbitrator Cases

Where the amount in controversy is more than \$100,000, or the claim is for unspecified or non-monetary damages, the Code of Arbitration Procedure<sup>7</sup> requires that three Arbitrators hear the case.

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<sup>2</sup>Customer Code Rules 12401(a) and 12401(b)  
Industry Code Rules 13401(a) and 13401(b)

<sup>3</sup>Customer Code Rule 12403(a)(1)  
Industry Code Rule 13403(b)

<sup>4</sup>Customer Code Rule 12404  
Industry Code Rule 13404(a)

<sup>5</sup>Industry Code Rule 13403(a)

<sup>6</sup>Industry Code Rule 13404(a)

<sup>7</sup>Customer Code Rule 12401(c)

In these cases, FINRA Dispute Resolution will send the following lists to all parties, depending on the type of claim.

- A. For all Public Customer Cases and any Intra-Industry Claims Brought Under Industry Code Rule 13402(b)  
In accordance with the Code of Arbitration Procedure,<sup>8</sup> FINRA Dispute Resolution will send three lists of Arbitrators to the parties. Each list will contain eight names. One list will contain eight names from the public Chairperson roster, another list will contain eight names from the public roster, and the last list will contain eight names from the non-public roster. In accordance with the Code of Arbitration Procedure,<sup>9</sup> each separately represented party may strike up to four of the Arbitrators from each list by crossing through the names of the Arbitrators. At least four names must remain on each list. If an Arbitrator on the parties' consolidated list is not available to fill the slot on the panel, the Director will appoint the next available Arbitrator.
- B. For Intra-Industry Claims Brought Under Industry Code Rule 13402(a)  
In accordance with the Code of Arbitration Procedure,<sup>10</sup> FINRA Dispute Resolution will send two lists of Arbitrators to the parties. One list will contain eight Arbitrators from the non-public Chairperson roster; the other list will contain sixteen arbitrators from the non-public roster. In accordance with, the Code of Arbitration Procedure,<sup>11</sup> each separately represented party may strike up to four of the Arbitrators on the list containing eight names, and eight of the Arbitrators on the list containing sixteen names. At least four names must remain on the list containing eight names, and at least eight names must remain on the list containing sixteen names. If an Arbitrator on the list is not available to fill the slot on the Panel, the Director will appoint the next available Arbitrator.
3. Cases Involving Statutory Employment Discrimination  
The Code of Arbitration Procedure<sup>12</sup> requires that public Arbitrators hear all cases involving statutory employment discrimination claims. In such cases, where the amount in controversy is \$100,000 or less, a single public Arbitrator will be appointed. Where the amount in controversy is more than \$100,000, three public

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Industry Code Rule 13401(c)

<sup>8</sup>Customer Code Rule 12403(a)(2)  
Industry Code Rule 13403(b)(2)

<sup>9</sup>Customer Code Rule 12404  
Industry Code Rule 13404(a)

<sup>10</sup>Industry Code Rule 13403(a)(2)

<sup>11</sup>Industry Code Rule 13404

<sup>12</sup>Industry Code Rule 13802(c)

Arbitrators will be appointed. In accordance with the Code of Arbitration Procedure,<sup>13</sup> a single Arbitrator or Chairperson of a three-Arbitrator Panel in a case involving a statutory employment discrimination claim will be appointed from a public roster of Arbitrators with special statutory discrimination qualifications. The procedures to strike and rank Arbitrators in a statutory discrimination claim remain the same as the striking and ranking procedures in all public customer and intra-industry cases as mentioned above.

A. Single Arbitrator Case

FINRA Dispute Resolution will send each party a list containing eight public Chairperson names with special statutory employment discrimination qualifications. Each separately represented party may strike up to four of the Arbitrators from the list by crossing through the names of the Arbitrators. At least four names must remain on the list. If an Arbitrator on the parties' consolidated list is not available to fill the slot on the Panel, the Director will appoint the next available Arbitrator.

B. Three Arbitrator Panel

FINRA Dispute Resolution will send two lists of Arbitrators to the parties. One list will contain eight Arbitrators with special statutory employment discrimination qualifications from the public Chairperson roster; the other list will contain sixteen Arbitrators from the public roster. Each separately represented party may strike up to four of the Arbitrators on the list containing eight names, and eight of the Arbitrators on the list containing sixteen names. At least four names must remain on the list containing eight names, and at least eight names must remain on the list containing sixteen names. If an Arbitrator on the list is not available to fill the slot on the Panel, the Director will appoint the next available Arbitrator.

4. Cases Involving Promissory Notes Only

The Code of Arbitration Procedure<sup>14</sup> requires that a single public Arbitrator with special statutory discrimination qualifications hear all cases in which the sole allegation is money owed on a promissory note. If the associated person files a Counterclaim or Third/Party Claim for over \$100,000, the Code of Arbitration Procedure requires a three-Arbitrator Panel. The procedures to strike and rank Arbitrators in a promissory note claim remain the same as the striking and ranking procedures in all public customer and intra-industry cases as mentioned above.

A. Single Arbitrator Case

FINRA Dispute Resolution will send each party a list containing eight public Chairperson names with special statutory employment discrimination qualifications. Each separately represented party may strike up to four of the Arbitrators from the list by crossing through the names of the Arbitrators. At least four names must remain on the list. If an Arbitrator on the parties' consolidated list is

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<sup>13</sup>Industry Code Rule 13802(c)(3)

<sup>14</sup>Industry Code Rule 13806

not available to fill the slot on the Panel, the Director will appoint the next available Arbitrator.

B. Three Arbitrator Panel

FINRA Dispute Resolution will send three lists of Arbitrators to the parties. One list will contain eight Arbitrators with special statutory employment discrimination qualifications from the public Chairperson roster, another list will contain eight names from the public roster, and the last list will contain eight names from the non-public roster. Each separately represented party may strike up to four of the Arbitrators from each list by crossing through the names of the Arbitrators. At least four names must remain on each list. If an Arbitrator on the parties' consolidated list is not available to fill the slot on the panel, the Director will appoint the next available Arbitrator.

**Arbitrator Ranking Form**

Each Arbitrator's classification as a public or a non-public Arbitrator is accurate at the time of his or her selection to the list. As noted above, parties have limited strikes to eliminate Arbitrators. Each separately represented party may strike through or cross out Arbitrators on each list for any reason. If a party does not strike through or cross out an Arbitrator's name, the Arbitrator will be deemed acceptable. After striking Arbitrators from each list, each separately represented party may rank the remaining Arbitrators on each list. Parties should rank the remaining Arbitrators on each list by assigning each remaining Arbitrator a different numerical ranking, with 1 as the highest ranking. FINRA Dispute Resolution will consolidate the parties' rankings and, in consolidated rank order, contact Arbitrators on each consolidated list for appointment to the Panel.

**Arbitrator Ranking Form Due Date**

Please sign and return the list to our office so that we receive it on or before February 9, 2010. **If we do not have your list on or before the return date, you will be deemed to have accepted all Arbitrators on the list.** Parties may, but are not required to, send a copy of their lists to the opposing parties. After the return date has passed, we will consolidate the parties' lists and inform you of the Arbitrator(s) appointed to the Panel.

**Arbitrator Ranking Form Due Date and Requests for Additional Disclosures**

Parties may request additional information from prospective arbitrators. FINRA Dispute Resolution will expedite delivery of a party's request for additional information to the arbitrator, and the arbitrator's response to the parties. If an arbitrator does not respond to a request for additional information, FINRA Dispute Resolution will notify the parties.

**Product Related Requests Received by FINRA Dispute Resolution within 10 Days**

The Arbitrator Ranking Form due date will be extended in cases where FINRA Dispute Resolution receives a party's request for additional product related information within 10 days from the date this office sent the form to the parties. The parties will have 20 days from the date FINRA Dispute Resolution receives the party's request for additional information to submit the Arbitrator Ranking Form. This office will notify the parties of the new Arbitrator Ranking Form due date.

**Product Related Requests Received by FINRA Dispute Resolution after 10 Days and all Other Requests for Additional Information**

The Arbitrator Ranking Form due date will not be extended in cases where FINRA Dispute Resolution receives a party's request for additional product related information more than

10 days after the date this office sent the form to the parties. In addition, the Arbitrator Ranking Form due date will not be extended in cases where parties request non-product related information. In these cases, the Arbitrator Ranking Form will be due on the date listed in the above titled section "Arbitrator Ranking Form Due Date."

### **Motions**<sup>15</sup>

Motion practice (other than motions to dismiss, as noted below) is governed by Customer and Industry Code Rules 12503 and 13503, respectively.

#### **Responding to Motions**

Parties have 10 days from the receipt of a written motion to respond to the motion, unless the moving party agrees to an extension of time, or the Director or the Panel decides otherwise. Responses to written motions must be served directly on each other party, at the same time and in the same manner. Responses to written motions must also be filed with the Director, with additional copies for each Arbitrator, at the same time and in the same manner in which they are served on the parties.

#### **Motions Filed Prior to the Initial Pre-hearing Conference**

If a party files a motion before the Initial Pre-hearing Conference, FINRA Dispute Resolution will transmit the motion and any responses to the Panel in accordance with the Code of Arbitration Procedure 12503 and 13503. If the motion is not forwarded to the Panel before the initial pre-hearing conference, the moving party may raise the issue with the Panel at the conference and ask the Panel to establish a schedule for responding to the motion.

### **Motions to Dismiss**

FINRA Dispute Resolution has adopted Customer Code Rule 12504 and Industry Code Rule 13504 to establish specific procedures that will govern motions to dismiss. FINRA also amended the dismissal provisions of Rules 12206 and 13206 (the eligibility rule) related to time limits on submissions of arbitration claims. The rules will ensure that parties have their claims heard in arbitration, by significantly limiting motions to dismiss filed prior to the conclusion of a party's case-in-chief and by imposing stringent sanctions against parties for engaging in abusive practices under the rules.

The effective date of the new rules is February 23, 2009. The new rules will apply to motions to dismiss filed on or after the effective date.

For more information, please review *Regulatory Notice 09-07* and the *Frequently Asked Questions document* we published on our Web site, [www.finra.org](http://www.finra.org).

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<sup>15</sup> For questions about motion practice under the Old Code, please contact your case administrator.

Please contact our office if you have any questions.

Very truly yours,

*Dane Seyman*

Nicole C. Haynes  
Case Assistant Manager

Phone: [REDACTED]

Fax: [REDACTED]

NCH: [REDACTED]

idr: [REDACTED]

RECIPIENTS:

Gabrielle Gould, Esq., Bear Stearns & Co  
Kramer Levin Naftalis & Fankel LLP, [REDACTED], New York, NY 10036

Gabrielle Gould, Esq., Bear Stearns Asset Management Inc.  
Kramer Levin Naftalis & Fankel LLP, [REDACTED], New York, NY 10036

Gabrielle Gould, Esq., The Bear Stearns Companies  
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Harry P Susman, Esq., Financial Trust Company, Inc.  
Susman Godfrey LLP, [REDACTED], Houston, TX 77002

Harry P Susman, Esq., The C.O.U.O. Foundation, Inc.  
Susman Godfrey LLP, [REDACTED], Houston, TX 77002

Meredith L. Turner, Esq., Warren Specter  
Wachtel, Lipton, Rosen & Katz, [REDACTED], New York, NY 10019-6150

# INITIAL PRE-HEARING CONFERENCE SCHEDULING CALENDAR

CASE NUMBER: 09-00979

March-April 2010				
Monday	Tuesday	Wednesday	Thursday	Friday
22	23	24	25	26
29	30	31	1	

Please review the above two (2) week calendar, confer with the other party(ies) and provide FINRA with four (4) **mutually agreeable** dates and times when all parties are available to schedule an initial pre-hearing telephonic conference (IPHC). If the parties are unable to find four (4) mutually agreeable dates during this two-week period, kindly provide dates in the subsequent weeks.

The parties have conferred and propose the following dates for scheduling the **IPHC**:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

*\* Please make sure you specify the hours of availability for each date provided. (i.e. 10/18/04 between 9:00 a.m. and 2:00 p.m.)*

You have on or before **February 9, 2010** to reply to FINRA with your availability for the initial pre-hearing telephonic conference. Please keep your potential dates and times available in the meantime. We will advise you of the actual initial pre-hearing telephonic conference date and time under separate cover.

If the parties fail to provide mutually agreeable dates and times by the due date, this office will schedule the initial pre-hearing telephonic conference based on the arbitrators' availability and the parties will have to provide mutually agreeable alternate dates in order to reschedule the conference call.

## ARBITRATOR RANKING FORM

**Case ID:** 09-00979

**Case Name:** Financial Trust Company, Inc. and The C.O.U.Q. Foundation, Inc. v. Warren Spector

**Public Chairpersons**

Arbitrator ID	Arbitrator Name	Party Ranking/Struck
	Leona Beane	_____
	Richard Herzfeld	_____
	Howard Weitz	_____
	Irwin Kahn	_____
	Zuhayr Moghrabi	_____
	Richard Weinberger	_____
	David Goldblatt	_____
	Mitchell Friedman	_____

**Public Arbitrators**

Arbitrator ID	Arbitrator Name	Party Ranking/Struck
	Dora Lassinger	_____
	Harold Webb	_____
	Richard Dannenberg	_____
	Pamela Roderick	_____
	Alice Lee-Getman	_____
	John Kennedy	_____
	Peter Trinkle	_____
	Edward Toptani	_____

**Non-Public Arbitrators**

Arbitrator ID	Arbitrator Name	Party Ranking/Struck
	Mark Egert	_____
	James Berliner	_____
	Brian Neville	_____
	Andrew Donovan	_____
	Antonio Concepcion	_____
	R. Garley	_____
	Larry Befeler	_____
	Kevin Naughten	_____

Limited strikes are permitted for each group of Arbitrators. Please refer to the Code of Arbitration Procedure or the cover letter that accompanied the Arbitrator Ranking Sheet for specific instructions.

**Claimant/Respondent:** \_\_\_\_\_

**Submitted By:** \_\_\_\_\_

Please Print Name

**on behalf of:** \_\_\_\_\_

**Signed:** \_\_\_\_\_

## Arbitrator Disclosure Report

Report reflects information provided by the arbitrator through 01/15/2010

### ARBITRATOR

**Name:** Ms. Leona Beane  
**Arbitrator ID:** [REDACTED]  
**CRD #:** [REDACTED]  
**City/State/Country:** New York / NY / United States  
**Classification:** Public  
**FINRA Mediator:** No  
**Chair Status:** Qualified

**Skills in Controversy:**  
 There are no skills in controversy information.

**Skills in Securities:**  
 There are no skills in security information.

### EMPLOYMENT

<u>Start Date</u>	<u>End Date</u>	<u>Firm</u>	<u>Position</u>
01/1984	Present	Leona Beane	Attorney
09/1978	12/1999	Baruch College C.U.N.Y.	Professor of Law

### EDUCATION

<u>Start Date</u>	<u>End Date</u>	<u>School</u>	<u>Degree</u>
09/1964	05/1968	New York Law School	JD
09/1962	05/1964	Columbia University	MS
09/1959	05/1962	City College	MBA
09/1955	05/1958	City College	BBA

### TRAINING

<u>Completed</u>	<u>Description</u>	<u>Details</u>	<u>Firm/School</u>	<u>Hours</u>	<u>Location</u>
02/8008	Mediation Training	Creating Settlement Opportunities at Pre-Mediation	Federal District Court Eastern District	2	Brooklyn, NY
06/2009	Expungement - 2008 Refresher		FINRA	1	
10/2008	Non-Securities Related Training	Arbitration	AAA	5	New York, NY
10/2008	Additional Securities Training	New FINRA Pilot	Fordham Law School	1	New York, NY
06/2008	Mediation Training	Decision Tree Analysis for Mediation	Dispute Resolution Institute	13	Durham, NC
05/2008	Mediation Training	New Horizons in Conflict Resolution	Mediation Network of North Carolina	8	Durham, NC
04/2008	Mediation Training	Advanced Mediation Training	NYS Judicial Institute-OCA	8	White Plains, NY
05/2007	Non-Securities Related Training	Arbitration Update	N.Y.C.L.A.	3	New York, NY
04/2007	Revised Code of Arbitration		NASD	2	online

06/2006	Mediation Training	Securities Arbitration & Mediation	CLE Program Securities Arb/Med-Hot Topic	3	New York, NY
06/2006	Mediation Training	Update for Mediators	Superior Court	4	Newark, NJ
05/2006	Non-Securities Related Training		Commercial Arbitration	3	New York, NY
05/2006	Mediation Training	Advanced Mediation Training	NYS Office of Court Admin.	4	New York, NY
01/2006	Mediation Training	Court Ordered Mediation Training	Mediation, Inc.	40	Chapel Hill, NC
09/2005	Non-Securities Related Training		Employment Law Essentials	3	New York, NY
06/2005	Additional Securities Training		Hot Topics Securities Arb/Med	3	New York, NY
05/2005	Additional Securities Training		NYSE	3	New York, NY
03/2005	Mediation Training		NASD		New York, NY
03/2005	Mediation Training		Bankruptcy Court ABRAMS/Negotiation	24	New York, NY
01/2005	Non-Securities Related Training		Ethical Dilemmas in ADR	3	New York, NY
01/2005	Mediation Training		EEOC	16	New York, NY
12/2004	Expungement online mini-course		NASD	1.5	(online)
11/2004	Mediation Training		Mediation in Bankruptcy	3	New York, NY
10/2004	Mediation Training		NJ Assoc. of Professional Mediators	6	New Jersey
08/2004	Mediation Training		New Jersey Superior Court	4	Newark, NJ
06/2004	Mediation Training		C L E Program Hot Topics Securities Arb	3	New York, NY
05/2004	Mediation Training		Center for Mediation In Law	36	N.Y.S.
03/2004	Mediation Training		Custody & Visitation Mediation	16	New York, NY
02/2004	Mediation Training		Family & Divorce Mediation	40	New York, NY
01/2004	Additional Securities Training	Arbitration	Practicing Commercial Arbitration	3	New York, NY
06/2003	Mediation Training		NYCLA Effective Med. Advocacy	3	New York, NY
05/2003	Additional Securities Training		NYSE	3	New York, NY
02/2003	Mediation Training		John Jay College/Basic Model	14	New York, NY
10/2002	Additional Securities Training		NYSE	3	New York, NY
09/2002	Mediation Training		Columbia Law School	25	New York, NY
03/2002	New Chairperson Training [NASD]		NASD	11	New York, NY
02/2002	Non-Securities Related Training		ABA Dispute Resolution	7.5	Philadelphia, PA
01/2002	Non-Securities Related Training		NY State Bar Assn - Alternative D. R.	3	New York, NY

12/2001	New Panel Member Training [NASD]		NASD	11	New York, NY
06/2001	Mediation Training	Mediation Training in Guardianship	Center for Social Gerontology Mediation	20	Ann Arbor, MI
06/2001	Additional Securities Training		NYCLA ADR Essential Skills in Arb.	6	New York, NY
03/2001	Mediation Training		ABCNY/JAMS Conflict Resolution. Workshop	27	New York, NY
01/2001	Non-Securities Related Training		NYSBA - Alternative Dispute Resolution	3	New York, NY
06/1999	Mediation Training		NYCLA Mediation/Commercial	24	New York, NY
04/1999	Additional Securities Training		NYCLA Securities Arbitration	1.5	New York, NY
06/1997	Mediation Training		Supreme Court NYC/JAMS Med. Workshop	3	New York, NY
03/1993	Additional Securities Training		AAA Securities Arbitration Training	3	New York, NY
09/1992	Non-Securities Related Training		AAA Advanced Arbitration Training	3	New York, NY
09/1992	Non-Securities Related Training		AAA Basic Arbitrator Training	3	New York, NY

### DISCLOSURE/CONFLICT INFORMATION

<u>Type</u>	<u>Firm Name</u>	<u>Details</u>
Has an account with	UBS Financial Services Inc.	PaineWebber
I am a client of	Wechsler and Cohen	
Has published	"What Is Mediation and How Does It Work?"	Article 10/29/2007
Was Arbitrator for	AAA	
Is a Member of Bar Association	American Bar Association	Dispute Resolution Section
Is a member of	American Judges Association	
Has published	Deskbook, NYSBA 2008	Chapter 26, Mediation (New York Lawyers)
Mediator for	E.E.O.C.	
Had an account with	Gruntal & Co., L.L.C.	Ryan Beck & Co.
Had an account with	J. B. Hanauer & Company	
Had an account with	Janney Montgomery Scott LLC	
Had an account with	Merrill Lynch Pierce Fenner & Smith	
Mediator for	N.C. Dispute Resolution Commission	Certified
Arbitrator for	NY County Lawyer's Association	Attorney Fee Disputes
Is a member of	NY County Lawyers Assn.	Chair, Arb./ ADR Committee (4 yrs)
Is a member of	NY Womens Bar Association	Co-Chair, Trusts & Estates
Licensed to Practice Law in	NYS Federal Court	Southern & Eastern District
Is a member of	National Academy of Elder Law Attorneys	
Is a member of	National Association of Women Lawyers	Former President
Arbitrator for	National Futures Association	
Mediator for	New Jersey Superior Court	

Mediator for	New York County Lawyers Association	Attorney Fee Dispute
Is a member of	New York County Lawyers Association	
Is a Member of Bar Association	New York State	Dispute Resolution Section, Vice Chair
Was Arbitrator for	New York Stock Exchange	
Mediator for	Safe Horizon	
Had an account with	Scudder Investments	
Arbitrator for	Small Claims Court	
Mediator for	Supreme Court NY	Commercial Division
Arbitrator for	Supreme Court-Commercial Division	(ADR Neutral)
Has an account with	TIAA-CREF	
Arbitrator for	U. S. District Court Eastern District	
Mediator for	U. S. District Court Eastern District	
Mediator for	US Bankruptcy Court, Eastern & Southern Districts	
Licensed to Practice Law in	US Supreme Court	
Has an account with	Wachovia Bank	Small Checking account
Had an account with	Wexford Clearing Services, LLC	
Has published		"Powers of Attorney" article (8/23/02)
Lectured on		"Talk Can Work" Mediation Pgm (10/21/04), NY, NY
Lectured for		American Bar Assn- Partnership/Corporations
Has published		Article: Fiduciary Relationship of a Partner
Has published		Article: Forged Endorsement by Drawer's Attorney
Has published		Article: Guardian Proceedings in NY State
Has published		Article: Infant as a Member of Partnership
Has published		Article: Interference w/Competitor's Employees
Has published		Article: Mediation Contested Guardianships (6/02)
Has published		Article: Nuts and Bolts of Partnerships & Corp.
Has published		Article: Rights of Drawers, Banks & Holders
Has published		Article: Rules Relating to Formation of Contracts
Has published		Article: Terminating An Agent's Authority
Has published		Article: Partial Pay Exception/ UCC Sale of Goods
Lectured for		Assn of the Bar of the City of NY
Has published		Book: Essentials of Corporation Law

Has published	Book: Essentials of Partnership Law
Has published	Book: Materials in the Law of Business Contracts
Has published	Corporate Practice Handbook 2 Chapters NYSBA
Has published	Corporate and Partnership Law (chapter) NYSBA
Has published	Guardians and Guardians Ad Litem (article)
Has published	Guardianship Practice in NY (Chapters) & Assn. Ed
Has published	Guardianship: Challenging, Frustrating(article)
Lectured on	NY County Lawyers Assn.-Mediation in Bankruptcy
Lectured on	NY County Lawyers Association-Med. Advocacy skills
Lectured on	New York County Lawyers Association -Guardianship
Licensed to Practice Law in	New York State
Lectured on	New York State Bar-Ethical Dilemmas in ADR

### PUBLICLY AVAILABLE AWARDS

Publicly Available Awards Section, Current as of 01/20/2010

<u>Case ID</u>	<u>Case Name</u>	<u>Close Date</u>
08-01521	Theodore Charles Kunz vs. Abel Noser Corp.	06/26/2009
08-00085	Stephen B. Grayer vs. A.B. Watley Direct, Robert F. Malin & Stephen Malin, A.B. Watley, Inc. etal	02/05/2009
05-02803	Elizabeth S. Hevey and Denis Hevey v. A.G. Edwards & Sons, Inc.	03/22/2007
03-04420	David Cullen and Kathleen Cullen, et al v. American Financial Advisors, Inc., et al	03/22/2007
05-01790	Larry Deutsch v. Berry-Shino Securities, Inc. and Albert Brinmore Britton, Jr.	08/21/2006
05-00484	Ehrenkrantz King Nussbaum, Inc. v. Jason Konior	01/30/2006
03-02373	Maria Rudelli vs. RBC Dain Rauscher Inc. Paul E. Butler	05/12/2004
03-00112	William and Ann Peattie IRA vs. Salomon Smith Barney, Inc. and Brian Cleary	01/30/2004
01-04361	Morgan Stanley Dean Witter Inc. vs. Schmucl Benyakov	08/16/2002

### ARBITRATOR BACKGROUND INFORMATION

I had been a tenured Professor of Law at Baruch College (City University of New York) from 1978 until 1999. I was on the full time faculty, initially starting as an Assistant Professor, was promoted to Associate Professor, and promoted to Full Professor in 1985. I taught law courses to business students in both the B.B.A and M.B.A. programs Contracts, Partnerships, Corporations, and Negotiable Instruments, including conducting seminars for the Executive M.B.A. program on all business law related topics. I have written several articles and books in the areas of Contracts, Partnerships, and Corporations, and also Negotiable Instruments. I am the author of Chapter 1, "Corporate and Partnership Law" in New York Lawyers Desk book (published by the New York State Bar Association, 1989; Chapter revised and updated each year).

In 1999, I accepted an early retirement incentive, and, since then, I have been Professor Emeritus.

Since approximately 1985, I have had a part time law practice, primarily general practice, representing small to medium size businesses, partnerships and corporations, probate, wills, and estate matters, including guardianships.

I've lectured at several bar association programs sponsored by the New York State Bar Association, New York County Lawyers Association, and the American Bar Association on topics relating to Forming and Operating Closely Held Business (including partnerships and corporations) and Buying and Selling a Small Business.

During the past 15 years, I have written several articles in the area of Guardianship, and have also lectured at many Guardianship Training Programs. I have written several articles including, "Should Mediation be available as an option to reduce litigation in contested guardianship cases"(NYS Br. June 2002); "Beware the misuse of powers of attorney" (NYLJ August 23, 2002), in addition to several other articles.

I am and have been active in many different bar associations including American Bar Association, Dispute Resolution Section, NYS Bar Association, Dispute Resolution Section (Vice Chair); Business Law Section (member of Corporation Law Committee, Partnership Sub-Committee), and other Committees and sections over the years; member, New York County Lawyer's Association-Supreme Court Committee; Elder Law Committee; ADR and Arbitration Committee, Chair (4 yrs); Estates Trusts and Surrogate's Court Practice Section and other committees; I am also a member of the American Judges Association (1990 to present); I was President of the National Association of Women Lawyers, 1988 to 1989.

I have been serving as Mediator and ADR Neutral in the Supreme Court, Commercial Division in New York County, 1996 to present, and have handled several commercial disputes of all types in the Court; I have been serving as a Special Master in the Supreme Court, New York County for the past twenty years and had been Co-Chair of the Special Masters Committee for three years; as a Special Master, I assisted the Supreme Court and Civil Court in resolving discovery related and other motions, and also settlement conferences in all types of cases. I have been a Mediator (and Arbitrator) in Attorney Fee Disputes at New York County Lawyers Association, 1998 to date; I have been serving as an Arbitrator in the Small Claims Court for over 20 years and was President of the Small Claims Arbitrators Association. I had been an Arbitrator for the American Arbitration Association, Commercial Dispute Panel and sat on several panels involving contract disputes, and partnership and shareholder disputes; I also serve as an Arbitrator and Mediator for the U.S. District Court, Eastern District. I am an arbitrator for the National Futures Association.

I am a mediator certified by the NC Dispute Resolution Commission for Superior Court civil matters.

I am a mediator with Safe Horizon, and am on the roster of mediators for the US Bankruptcy Court, Southern and Eastern Districts, and on the Roster of mediators for the NJ Superior Court. I am a mediator for the US E.E.O.C. I have attended and completed several Training Programs for both arbitrators and mediators. I co-chaired a program at the annual meeting of the NYS Bar Association, January 27, 2005 on "Ethical Dilemmas in ADR" I co-chaired a CLE Program "Arbitration Disputes in Business Transactions" May 23, 2006. I chaired CLE program "Arbitration Update" from Pre-hearing to Post-hearing--What Lawyers Need to Know" at NY County Law Association May 3, 2007 I have attended the Annual Hot Topics for Securities Arbitrators and Mediators each year for the last six years, last program June 9, 2009.

I wrote Chapter 26, Mediation, NY Lawyers Deskbook (NYSBA). I am appointed by the Appellate Division First Department as a Special Master-Mediator in their Pre-Argument Appeals Program.

I have the following degrees: BBA, MBA, MS and JD.

## Arbitrator Disclosure Report

Report reflects information provided by the arbitrator through 01/15/2010

### ARBITRATOR

<b>Name:</b>	Mr. Richard L. Herzfeld	<b>Skills in Controversy:</b>	There are no skills in controversy information.
<b>Arbitrator ID:</b>	[REDACTED]		
<b>CRD #:</b>			
<b>City/State/Country:</b>	New York / NY / United States		
<b>Classification:</b>	Public	<b>Skills in Securities:</b>	There are no skills in security information.
<b>FINRA Mediator:</b>	No		
<b>Chair Status:</b>	Qualified		

### EMPLOYMENT

<u>Start Date</u>	<u>End Date</u>	<u>Firm</u>	<u>Position</u>
07/2001	Present	Bahn, Herzfeld & Multer, LLP	Partner/Attorney
11/1990	03/1998	Rosen Einbinder & Dunn	Of Counsel
11/1987	01/2001	Richard L. Herzfeld	Sole Proprietor
01/1982	10/1987	Kimmelmar Sexter & Sobel	Associate
01/1979	01/1981	Appellate Division Second Department	Law Assistant
01/1977	01/1979	Nassau County Legal Aid	Staff Attorney

### EDUCATION

<u>Start Date</u>	<u>End Date</u>	<u>School</u>	<u>Degree</u>
09/1981	05/1984	NYU	LLM Taxation
09/1974	06/1977	SUNY Buffalo	JD
09/1969	12/1972	SUNY Buffalo	BA

### TRAINING

<u>Completed</u>	<u>Description</u>	<u>Details</u>	<u>Firm/School</u>	<u>Hours</u>	<u>Location</u>
03/2009	Motion to Dismiss Training		FINRA	1	
01/2009	Expungement - 2008 Refresher		FINRA	1	
08/2007	Revised Code of Arbitration		FINRA	2	online
12/2004	Expungement online mini-course		NASD	1.5	online
07/1996	Chairperson Securities Training		NASD	6	New York, NY
03/1994	Intro Securities Arbitrator Training		NASD	4	New York, NY

### DISCLOSURE/CONFLICT INFORMATION

<u>Type</u>	<u>Firm Name</u>	<u>Details</u>
Staff ID: LeeC		

Initiated/defended legal action against	Investors Associates et. al	Metalitsa v. Investors Associates et. al
Has made a disclosure about	508 Securities	
Has made a disclosure about	B&W Global, LLC	
Has made a disclosure about	Brendan E. Cryan & Company	
Has an account with	Charles Schwab & Co., Inc.	Charles Schwab & Company, Inc.
Has made a disclosure about	DE Trading LLC	
Has an account with	Fidelity Investments Institutional Srvcs	Fidelity Investments Institutional Srvcs
Initiated/defended legal action for	Frankel	Rollin vs. Frankel
Has made a disclosure about	GHA, LLC	
Has made a disclosure about	GP Direct Corp.	
Initiated/defended legal action against	Gaines Berland, et. al	Grenadier v. Gaines Berland, et. al
Has made a disclosure about	Heights Partners, Inc.	
Has made a disclosure about	J. H. Heffernan Securities	
Has made a disclosure about	J. Streicher & Co., LLC	
Has made a disclosure about	Jeffrey L. Aaron	
Has made a disclosure about	Kevin G. Boyle Securities	
Has made a disclosure about	Kingsood Investments, Inc.	
Has made a disclosure about	MND Partners	
Has made a disclosure about	Marquis Holdings, Inc.	
Has made a disclosure about	Matrix Trading, LLC	
Initiated/defended legal action against	Morgan Stanley DW Inc.	Dean Witter 1988
Has made a disclosure about	Niall Campbell	
Has made a disclosure about	Peter Pauker	
Has made a disclosure about	Richard Meisenberg	
Has made a disclosure about	Robert G. Pears & Co.	
Has made a disclosure about	SNB Securities	
Initiated/defended legal action against	Salomon Smith Barney	Caschetta v. Salomon Smith Barney
Has an account with	Smith Barney	Hadge vs. Smith Barney
Has made a disclosure about	Sten Securities, LLC	
Initiated/defended legal action against	Sterling Foster & Co.	J. Gregory & Company /Sterling Foster & Co.
Has made a disclosure about	Talking Horse, LLC	
Initiated/defended legal action against	Tolucca Pacific et. al.	Bastek v. Tolucca Pacific et. al.
Has made a disclosure about	Trinity Trading Corp.	
Has an account with	Waterhouse Securities	
Has made a disclosure about	Weiskopf Silver & Co.	
Has made a disclosure about	William V. Frankel & Co.	

Has made a disclosure about	Willima Toll	
Has made a disclosure about	Z & Z Securities, Inc.	
Was Arbitrator for	AAA & NYC Civil Court	
Initiated/defended legal action for	W.V. Frankel	1991
Has made a disclosure about	G & L Partners	
Initiated/defended legal action for	Jeffrey Brooks Securities Inc.	1991
Initiated/defended legal action against	Josephthal	Lidz v. Josephthal
Had an account with	Kemper Securities, Inc.	
Arbitrator for	NYSE	
Initiated/defended legal action against	National Securities	Woodworth vs. National Securities
Has made a disclosure about	On Point Executions	
Initiated/defended legal action for	Wellmont Securities	
Has made a disclosure about		Adverse against: Davidson Asset Management
Initiated/defended legal action against		For Winckowski vs. Winckowski
Has made a disclosure about		Kemper Securities Group/Bateman Eichler, Hill
Is a Client		Kollner v. PaineWebber
Is a Client		Mitoric Trading and LTL Intl Trading Corp.
Is a member of		New York County Lawyers
Is a Member of Bar Association		New York State Bar Association
Was a member of		PIABA
Is a Client		Paul Schopf, Richard Whittington, Rizwar Gundal
Initiated/defended legal action against		SNB Securities 1991
Is a member of		Securities Subcommittee
Has made a disclosure about		Seff vs. Frankel
Has made a disclosure about		Weiskoff v. Morgan Stanley

**PUBLICLY AVAILABLE AWARDS**

Publicly Available Awards Section, Current as of 01/20/2010

<u>Case ID</u>	<u>Case Name</u>	<u>Close Date</u>
06-01679	Robert Montanino v. H&R Block Financial Advisors, Inc.	08/19/2008
07-01269	Daniel H. Morris v. Aurora Capital LLC & Jeff E. Margolis	03/24/2008
06-05308	Jacob Birnbaum vs. Worldco LLC	06/11/2007
99-00982	Peter V. Christiansen v. Craig Moss and PaineWebber Inc.	10/19/2000
96-02028	Arnold Taft vs. Cantella & Co., Inc., Curt F. Stetson and Harold Gong et al	12/17/1997

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### ARBITRATOR BACKGROUND INFORMATION

I am a member of Bahn Herzfeld & Multer, LLP in general practice, including the representation of small businesses in transactional matters and business litigation. As part of my practice, I represent both investors and broker dealers in securities arbitrations and litigation (both plaintiff and defense work) and also represent broker dealers and investment advisers in regulatory matters and general business affairs. I received my JD from the University of Buffalo and a masters in taxation from NYU.

#### Additional Disclosure Information:

1. Former clients Paul Schopf, Richard Whittington, Rizwar Gundal, all money manages.
  2. Additional Litigation: Rollin v Frankel, Seff v Frankel, Woodworth v. National Securities
  3. Additional Litigation: Sedona v. Frankel et al
  4. Additional Litigation: Frankel v. Fidelity et al
  5. Additional Litigation: Reeding v. Avalon
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## Arbitrator Disclosure Report

Report reflects information provided by the arbitrator through 01/15/2010

### ARBITRATOR

**Name:** Mr. Howard Weitz

**Arbitrator ID:** [REDACTED]

**CRD #:**

**City/State/Country:** Scarsdale / NY / United States

**Classification:** Public

**FINRA Mediator:** No

**Chair Status:** Qualified

**Skills in Controversy:**

Account Related - Dividends, Account Related - Transfer, Executions - Execution Price, Executions - Limit v. Market Order, Employment - Breach of Contract, Employment - Commissions, Employment - Compensation, Employment - Libel or Slander, Employment - Partnerships, Employment - Promissory Notes, Employment - Wrongful Termination, Other - Underwriting

**Skills in Securities:**

Annuities, Corporate Bonds, Fannie Mae, Freddie Macs, Ginnie Maes, Government Securities, Hedge Fund, Limited Partnerships, Mutual Funds, Municipal Bonds, Municipal Bond Funds, Options, Private Equities, Preferred Stock, Real Estate Investment Trust, Structured Products, Variable Annuities, Warrants/Rights

### EMPLOYMENT

<u>Start Date</u>	<u>End Date</u>	<u>Firm</u>	<u>Position</u>
06/1981	Present	Howard Weitz, P.C.	Attorney/President
01/1975	06/1981	Howard Weitz, Esq.	Attorney
01/1974	12/1974	Technical Tape, Inc.	In-House Attorney
01/1973	12/1973	Plaza Group, Inc.	In-House Attorney
11/1963	12/1972	Leventritt, Bush et al	Law Firm Associates/Partner
01/1960	10/1963	M.S. Scheiber & Company	Tax Accountant
07/1955	12/1959	Several CPA Firms	-

### EDUCATION

<u>Start Date</u>	<u>End Date</u>	<u>School</u>	<u>Degree</u>
09/1955	06/1959	Brooklyn Law School	LLB, Admitted to NY Bar, 196
09/1951	06/1955	Bernard Baruch School of Business	BBA, Accounting

### TRAINING

<u>Completed</u>	<u>Description</u>	<u>Details</u>	<u>Firm/School</u>	<u>Hours</u>	<u>Location</u>
04/2009	Motion to Dismiss Training		FINRA	1	
01/2009	Expungement - 2008 Refresher		FINRA	1	
04/2007	Revised Code of Arbitration		NASD	2	online
03/2007	Revised Code of Arbitration		NASD	2	online
12/2005	Direct Communication Rule		NASD	1	online

08/2005	New Chairperson Training [NASD]	NASD	11	online
01/2005	Expungement online mini-course	NASD	1.5	online
01/2005	Duty to Disclose online mini-course	NASD	1	online
01/2005	Discovery/Abuse online course	NASD	1	online
12/2004	New Panel Member Training [NASD]	NASD	11	New York, NY
12/2004	Civility Training	NASD	1.5	New York, NY

### DISCLOSURE/CONFLICT INFORMATION

<u>Type</u>	<u>Firm Name</u>	<u>Details</u>
Has an account with	Charles Schwab & Co., Inc.	Joint account with spouse
Has an account with	Citigroup Global Markets, Inc.	
Has an account with	Scottrade, Inc.	
Had an account with	Cadaret, Grant & Co., Inc.	
Had an account with	Charles Schwab & Co., Inc.	
Had an account with	Wachovia Securities, LLC	
Licensed to Practice		CPA
Was Arbitrator for		NYSE
Is a Member of Bar Association		New York
Is a member of		New York County Lawyers Association

### PUBLICLY AVAILABLE AWARDS

Publicly Available Awards Section, Current as of 01/20/2010

<u>Case ID</u>	<u>Case Name</u>	<u>Close Date</u>
08-04263	Richard Berman and Dorothy Berman vs. Bear Stearns & Co. Inc.	12/21/2009
07-03536	Michael Lewis v. Nordic Partners Inc. v. Anders Lindquist	11/04/2009
08-01978	Rosalie Sellitto vs. Ameriprise Financial Services, Inc. and Michael Sangirardi	08/31/2009
07-00114	Jason Cohen, individually and on behalf of Oracle services, Inc. FBO Jason Cohen vs. UBS Financial Services	02/27/2008
05-00203	Howard Comart, Loretta Comart, David Liebowitz, et al v Merrill Lynch Pierce Fenner & Smith, Inc, Michael Rosenthal,	10/03/2006
04-07823	Stafford Reynolds v. Brown & Company n/k/a J.P. Morgan Investment, LLC	11/03/2005

### ARBITRATOR BACKGROUND INFORMATION

I have practiced law on a full time basis since 1963. The areas of my practice during this entire period have been corporate and securities law, business and commercial law, trusts and estates, taxes and real estate. I hold a CPA license (inactive) that I obtained working as an accountant during the day while attending law school classes at night. My accounting background has been an extraordinary asset to me in connection with virtually every facet of my legal work.

I joined the New York City law firm of Leventritt, Bush, Lewittes and Bender in 1963; I became a partner of the firm in 1967. The law firm's clients included a NASD member broker-dealer firm, a large New York Stock Exchange listed company and an

open-end mutual fund. I left the law firm about nine years later when the firm contracted in size. After a short stint as in-house counsel to two American Stock Exchange listed companies, I started my own law practice in 1975, which I continue to date.

I have done extensive work in securities law at the Federal and state levels, including Securities and Exchange Commission filings and other aspects of corporate compliance. I have worked on real estate partnership offerings and responded to a wide range of questions involving securities issues raised by clients. I have prepared and filed for clients investment advisor applications and broker-dealer registrations with Federal and state authorities. I have dealt directly with brokerage firms regarding transfers of restricted shares, proxy solicitations, share exchanges resulting from mergers, 'blue sky' qualification requirements and margin requirements for clients' accounts. I am familiar with the rules of the New York Stock Exchange and NASDAQ insofar as they apply to corporate directorships, stock options, shareholders meetings and when shareholder approval is required. I have dealt with the major public accounting firms regarding clients' financial statements and the application of generally accepted accounting principles. I have issued independent legal opinions for other law firms relating to securities and tax matters. I have represented individuals making investments in privately held companies, and I have negotiated the terms of and prepared documents relating to employment, partnerships, corporations and real estate.

With respect to the trust and estate areas, in addition to drafting documents, I have been responsible for overseeing administration of estates and trusts and advising executors and trustees and I have served as an executor of an estate. An important part of my work in the estate and trusts area has been establishing brokerage accounts and reviewing all transactions in the accounts involving a wide variety of investments. I have extensive knowledge of the various types of qualified employee plans and have, with the assistance of pension planners, initiated plans for clients, both small and large. In both the estate and trust area and the pension area, a key part of my role as an attorney is to advise the executors and trustees of their responsibilities as fiduciaries of beneficiaries and pension plan participants.

In the litigation area, I have actively assisted trial counsel in many commercial cases and I have tried two tax cases before the U.S. Tax Court. From a personal standpoint, I have been an investor in stocks and bonds over the years and have become familiar with a variety of market products available to investors.

I received my law degree from Brooklyn Law School in 1959 and was admitted to the New York Bar in 1960. I received a Bachelor of Business Administration degree from the Bernard Baruch School of Business of the City College of New York in 1955. I also took post-graduate law school courses at NYU Law School during 1959 and 1960. I am a member of the New York County Lawyers Association.

I believe that my ability to act as an independent arbitrator of a dispute is greatly enhanced by my legal, business, and accounting background, a significant portion of which relates to the securities industry. The integrity of any legal proceeding, whether it is in a courtroom or before an administrative tribunal, depends upon a fair and impartial hearing of the evidence, focusing on the real issues involved and a decision based upon the evidence. As a neutral arbitrator, I will reach unbiased decisions that I consider to be fair under the circumstances.

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## Arbitrator Disclosure Report

Report reflects information provided by the arbitrator through 01/15/2010

### ARBITRATOR

**Name:** Mr. Irwin Kahn  
**Arbitrator ID:** [REDACTED]  
**CRD #:** [REDACTED]  
**City/State/Country:** Wantagh / NY / United States

**Skills in Controversy:**

Account Related - Breach of Contract, Account Related - Margin Calls, Account Related - Transfer, Executions - Execution Price, Executions - Limit v. Market Order, Employment - Commissions, Employment - Compensation, Employment - Discrim. Age, Employment - Discrim. Disability, Employment - Discrim. Race, Employment - Libel or Slander on FormU-5, Employment - Promissory Notes, Employment - Retaliation, Employment - Sexual Harassment, Employment - Wrongful Termination, Other - Recruitment Disputes, Trading Disputes - Mark-ups, Trading Disputes - Sell Outs

**Classification:** Public  
**FINRA Mediator:** Yes  
**Chair Status:** Qualified

**Skills in Securities:**

Common Stock, Government Securities, Limited Partnerships, Options, Preferred Stock, Real Estate Investment Trust, Warrants/Rights

### EMPLOYMENT

<u>Start Date</u>	<u>End Date</u>	<u>Firm</u>	<u>Position</u>
01/1979	Present	Kahn and Horwitz, P.C.	Senior/Founding Partner
01/1958	01/1979	Kahn & Horowitz	Senior/Founding Partner

### EDUCATION

<u>Start Date</u>	<u>End Date</u>	<u>School</u>	<u>Degree</u>
01/1955	01/1958	New York University Law School	LLB
01/1951	01/1955	City College of New York	BA

### TRAINING

<u>Completed</u>	<u>Description</u>	<u>Details</u>	<u>Firm/School</u>	<u>Hours</u>	<u>Location</u>
01/2009	Expungement - 2008 Refresher		FINRA	1	online
04/2007	Revised Code of Arbitration		NASD	2	online
12/2004	Expungement online mini-course		NASD	1.5	online
06/2004	Additional Securities Training		Assn. Bar of NYC Securities Arb.& Med.		
05/2004	Additional Securities Training	Arb CLE Training	Assn of Arbitrators		
02/2004	Additional Securities Training	CLE Training	Association of Arbitrators		
01/2004	Non-Securities Related Training		NYS Bar Association ADR		
10/2003	Mediation Training		US District Court Mediation w/Agency/Gvt		

06/2003	Mediation Training	Advocacy Techniques in Mediation	ABA		
05/2003	Additional Securities Training		NYCLA Prt. 37 Tng Arbitration/Mediation		
01/2003	Non-Securities Related Training	Professional Discipline	NYSBA		
01/2003	Non-Securities Related Training		NYS Bar Association ADR		
01/2002	Non-Securities Related Training	Professional Discipline	NYSBA		
10/2001	Mediation Training		Touro College Advanced Mediation		
03/2001	Non-Securities Related Training	Evaluator	Assn of Trial Lawyers		
01/2001	Additional Securities Training		NYS Bar Association ADR		
06/2000	Additional Securities Training		Assn Bar of NYC-Sec. Hot Topics 2k		
06/2000	Additional Securities Training		ABA Roundup on ADR		
02/2000	Mediation Training		Supreme Court NY Mediation Workshop	24	
11/1999	Additional Securities Training		NYCLA Ethics in ADR		
11/1999	Additional Securities Training		Association of Arbitrators CLE Training		
04/1999	Non-Securities Related Training		NYCTL Assn - Expert Witnesses		
04/1999	Additional Securities Training		NYCLA Securities Arbitration Update 1999		
04/1999	Non-Securities Related Training		NY Law School - Judging		
04/1999	Non-Securities Related Training		Assn/Bar NYC- Topics/Consumer Ed.		
11/1998	Additional Securities Training		Columbia University Negotiation		
10/1995	Chairperson Securities Training		NYSE Role of the Chairperson		New York, NY
10/1995	Employment Law Training		NYSE		New York, NY
10/1995	Additional Securities Training		NYSE Arbitrator Training		New York, NY
10/1995	Participatory Arbitrator Skills Program		NYSE Discovery & Punitive Damages		New York, NY
11/1993	Additional Securities Training		NYSE Arbitrator Training		New York, NY
10/1993	Participatory Arbitrator Skills Program		NASD Pro se Parties	2.5	New York, NY
03/1993	Arbitrator Luncheon		NASD		New York, NY
01/1993	Intro Securities Arbitrator Training		NASD, NYSE & AAA	8	New York, NY
05/1992	Non-Securities Related Training		AAA Arbitration Day	7	New York, NY

**DISCLOSURE/CONFLICT INFORMATION**

<u>Type</u>	<u>Firm Name</u>	<u>Details</u>
Lectured on	AAA	
Has an account with	Dominick & Dominick Incorporated	
Has an account with	Fidelity Investments Institutional Services	
Arbitrator for	AAA	
Mediator for	AAA	
Family Member has relationship with	Fidelity & Prentice Securities	
Is a Member of Bar Association	Florida	
Was a member of	Jewish Lawyers Guild	Past President
Mediator for	NYC Small Claims Court	
Arbitrator for	NYC Small Claims Court	
Lectured on	NYCLA	2/6/03 Speaker
Was Arbitrator for	NYSE	
Was Mediator for	NYSE	
Mediator for	National Arbitration & Mediation	NAM
Is a Member of Bar Association	Network of Bar Leaders	Past President
Is a member of	New York County Lawyers Assn	ABA, ATLA
Mediator for	New York County Lawyers Association	
Is a member of	SIA	Compliance & Legal Division
Mediator for	US District Court Eastern District	
Is a Member of Bar Association		New York State
Lectured on		New York State Trial Lawyers Association
Mediator for		New York Supreme Court, Commercial Division
Is a Member of Bar Association		State Bar Association
Is a Member of Bar Association		Umbrella Organization of 38 Bars

**PUBLICLY AVAILABLE AWARDS**

Publicly Available Awards Section, Current as of 01/20/2010

<u>Case ID</u>	<u>Case Name</u>	<u>Close Date</u>
09-03263	Jefferies & Company, Inc. vs. John P. Coen	12/09/2009
07-03138	Andrew Garrett, Inc. v. Lester Wackernah	09/15/2008
06-01810	Young Ran Kim and Soon Up Park v. Wachovia Securities, LLC. Prudential Equity Group, LLC et al	05/30/2008
03-02452	Raymond David McElfish and McElfish & Associates v. Merrill Lynch, Pierce Fenner & Smith, Inc And Ilicia Silverman et al	06/14/2007
05-02357	Brian Egan, Cathy Egan, et al. vs. Brookstreet Securities Corp., John Elwin, Jason Woessner and Stanley C. Brooks	07/10/2006
03-05697	Steven Kevorkian vs Citigroup Global Markets, Inc., Sanford Weill, Michael Carpenter, et al consolidated with 03-06776	04/13/2006

02-06922	Steven P. Mednick vs. Kirlin Securities, Inc., David O. Linder and Anthony J. Kirincic	02/24/2006
02-05718	Bruce Whitman vs. CIBC World Markets Corp., Rolf W. Brunner and Ivan O. Alfaro	10/21/2005
03-03229	Mary H. Coleman v. Michael D. Mathias, Interstate Financial Group, Inc., Gerald S. Berger, Gerald S. Berger, Inc. et al	03/02/2005
03-07770	Hildegard Rimes and Ingrid Klute vs. Merrill Lynch Pierce Fenner & Smith Inc. and Marlyn Sinclair	02/28/2005
04-04135	Jerry P. Cotrone vs. Citigroup Global Markets, Inc. f/k/a Salomon Smith Barney and Mijanou M. Spurdle	02/22/2005
03-06098	Lucy Balestri vs. Merrill Lynch Pierce Fenner & Smith Inc. and Kurt E. Grimmelmann	02/11/2005
01-02014	Michael Moschillo v. Merrill Lynch, and Michael Maglio	08/27/2003
01-03876	Maya & Maya Windmark Flower Corp and Pete Rodamis vs. Prudential Securities Incorporated, Chris Fasarakis, et al	12/18/2002
01-04602	Susan Robinson vs. Weiss Peck & Greer, L.L.C. and Roger J. Weiss	10/22/2002
01-01419	Medusa Finanz Anstalt and F& MWL Enterprizes, Inc. v. Sam Ramirez Jr.& Ramirez & Co., Inc.	06/27/2002
00-02337	Glenn Michael Financial, Inc. v. Joseph Carney v. Glenn Michael Lanaia, Francine A. Lanaia, Nick Giannantonio etal	06/18/2002
01-00941	Jeffrey Surovell v. U.S. Securities & Futures Corp., Robbert Van Batenburg and George Hopkinson	03/14/2002
97-02663	Quando, Ltd. vs. RAS Securities, Inc. vs. M.D. Sass Associates, Inc. and M.D. Sass Investors Services, Inc.	06/22/1999
96-05676	PaineWebber, Inc. vs. Walter N. Iwachiw v. Kidder Peabody, John Carparelli, Fred Warren, Leonard Vinci, etal v. Iwachiw	01/06/1999
97-00167	Maureen and Paul Belanger vs. Merrill Lynch, Pierce, Fenner & Smith, Inc.	12/16/1997
93-04046	Harold Scharff vs. Merrill Lynch, Pierce, Fenner & Smith Inc.	06/20/1994
93-03116	Joseph and Linda Sisti v. Chesapeake Securities Research Corporation and David Basoco	03/18/1994
92-00097	Georgia Colonias vs. Prudential-Bache Securities, Inc. and Gary Fox	03/25/1993

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### ARBITRATOR BACKGROUND INFORMATION

Since 1959, I have been a member of the firm of Kahn and Horwitz, P.C., or its predecessor, Kahn and Horwitz. During this period of time, I have tried cases in the New York State Court system and at the American Arbitration Association.

Since 1965, I have been on the Arbitration Panel at the American Arbitration Association. I have been a Small Claims Arbitrator since 1977. I am presently on the Arbitration and Mediation Panels at both the New York Stock Exchange and the NASD. My professional activities include lecturing at the New York County Lawyers' Association, New York State Trial Lawyers Association and the American Arbitration Association.

I am a past chairman of the Arbitration Committee at New York County Lawyers' Association and am presently the chairman of the Arbitration Committee of the General Practice Section of the New York State Board Association. I have been and still am a member of the Board of Directors of a number of Bar Associations. I was a member of the Departmental Disciplinary Committee of the Appellate Division, First Department, and chairperson of the Hearing Panel. I am on the new panel of referees for Discipline for the Appellate Division.

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## Arbitrator Disclosure Report

Report reflects information provided by the arbitrator through 01/15/2010

### ARBITRATOR

<b>Name:</b>	Mr. Zuhayr A. Moghrabi	<b>Skills in Controversy:</b>	Account Related - Dividends, Employment - Breach of Contract, Employment - Commissions, Employment - Compensation, Employment - Partnerships, Employment - Promissory Notes, Employment - Training Contracts
<b>Arbitrator ID:</b>	<span style="background-color: black; color: black;">[REDACTED]</span>	<b>Skills in Securities:</b>	Annuities, Common Stock, Commodities Futures, Corporate Bonds, Government Securities, Limited Partnerships, Preferred Stock, Repurchase Agreements
<b>CRD #:</b>	<span style="background-color: black; color: black;">[REDACTED]</span>		
<b>City/State/Country:</b>	New York / NY / United States		
<b>Classification:</b>	Public		
<b>FINRA Mediator:</b>	No		
<b>Chair Status:</b>	Qualified		

### EMPLOYMENT

<u>Start Date</u>	<u>End Date</u>	<u>Firm</u>	<u>Position</u>
01/1998	01/2000	University of Sharjah	Chancellor
01/1975	01/1978	Org. for Development Research	VP & General Counsel
01/1973	Present	New York Law School	Adjunct Professor
01/1970	01/1971	Burns & Roe, Inc.	Associate General Counsel
01/1970	Present	Moghrabi & Larkin	Partner
01/1966	01/1970	Union Carbide Corp.	Manager
01/1954	01/1966	Mobil Oil Corp.	Various Tech/Mngmt Positions

### EDUCATION

<u>Start Date</u>	<u>End Date</u>	<u>School</u>	<u>Degree</u>
09/1963	06/1967	New York Law School (Law Review)	JD
09/1954	06/1956	Columbia University	MA
09/1950	06/1953	University of Tulsa	BS

### TRAINING

<u>Completed</u>	<u>Description</u>	<u>Details</u>	<u>Firm/School</u>	<u>Hours</u>	<u>Location</u>
01/2009	Expungement - 2008 Refresher		FINRA	1	
07/2007	Revised Code of Arbitration		NASD	2	online
01/2005	Expungement online mini-course		NASD	1.5	online
03/2002	New Chairperson Training [NASD]		NASD	11	New York, NY
12/2001	New Panel Member Training [NASD]		NASD	11	New York, NY
01/1975	Intro Securities Arbitrator Training		AAA	8	

**DISCLOSURE/CONFLICT INFORMATION**

<u>Type</u>	<u>Firm Name</u>	<u>Details</u>
Has an account with	Charles Schwab	
Had an account with	CIBC World Markets Corp.	CIBC Oppenheimer
Arbitrator for	NYSE	
Arbitrator for		American Arbitration Association
Is a Member of Bar Association		American Bar Association
Is a member of		American Chemical Society
Is a member of		American Chemical Society
Arbitrator for		Civil Court, NYC
Is a Member of Bar Association		District of Columbia
Arbitrator for		International Arbitration Center
Has made a disclosure about		International Lawyer-member of publications comm.
Is a member of		NY Law School Alumni Assn.-director
Is a Member of Bar Association		New York

**PUBLICLY AVAILABLE AWARDS**

Publicly Available Awards Section, Current as of 01/20/2010

<u>Case ID</u>	<u>Case Name</u>	<u>Close Date</u>
08-00640	Carol Dahl and Citicorp Investment Services vs. Michael M. Miley	09/14/2009
06-02349	Miriam Nigohosian v. Merrill Lynch Pierce Fenner & Smith	12/06/2007
01-05314	Wendy Diamond and Wendy Diamond TTEE, Global Liasons in Def. Ben. Plan v. Whale Securities Co., L.P., et al	02/17/2004

**ARBITRATOR BACKGROUND INFORMATION**

Attorney and executive with extensive experience in law, business and finance.

I started my professional career with Mobil Oil Corp., in 1954, as an engineer and occupied various positions in technical, planning, financial and management areas until 1966.

From 1966 to 1970, I worked with Union Carbide Corp., as manager of International Project Development which involved the development of profitable opportunities for investing and establishing industrial plants internationally; evaluation of specific areas relative to markets, economics and taxation; negotiations with foreign governments, foreign corporations and prospective partners with respect to contracts, licensing, technical service agreements and joint ventures; development of long range plans and programs, and new strategies for policy decisions, etc.

I have had a law practice since 1970 in the following areas of the law: international business transactions, corporate law, contracts and commercial practice, including national and international litigation.

I have also been teaching at New York Law School since 1973, as Adjunct Professor of Law in several international law courses. I do cover both a review of the securities laws and the extra-territorial application of U.S. securities laws.

I participate in or chair various national and international seminars on foreign ventures, international project financing, etc., and review manuscripts for publication for the international lawyer.

I have written numerous book reviews on various legal topics including the Securities Arbitration Procedure Manual and International Securities Regulation.

I have acted as arbitrator and chairman on numerous arbitration cases for the American Arbitration Association (and other bodies), including some major cases, for about twenty years.

I am a member of the American Bar Association and the American Chemical Society.

I received a BS in Petroleum Refining Engineering from the University of Tulsa (Oklahoma), MA in Chemical Engineering and Industrial Chemistry from Columbia University (New York) and JD from New York Law School (New York).

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## Arbitrator Disclosure Report

Report reflects information provided by the arbitrator through 01/15/2010

### ARBITRATOR

**Name:** Mr. Richard Weinberger  
**Arbitrator ID:** [REDACTED]  
**CRD #:**  
**City/State/Country:** Spring Valley / NY / United States  
**Classification:** Public  
**FINRA Mediator:** No  
**Chair Status:** Qualified

**Skills in Controversy:**  
 There are no skills in controversy information.

**Skills in Securities:**  
 Options

**Injunctive Qualified** - This arbitrator is an attorney and has reported experience litigating cases involving injunctive relief.

### EMPLOYMENT

<u>Start Date</u>	<u>End Date</u>	<u>Firm</u>	<u>Position</u>
01/2006	Present	Spirit of America Investment Fund, Inc.	Independent Director
01/2005	Present	Bullen, Stoll Bader & Nadler, P.C.	Of Counsel
01/1977	12/2004	Ballou, Stoll Bader & Nadler, P.C.	Litigation Partner
01/1960	01/1974	Bronx County	Assistant District Attorney

### EDUCATION

<u>Start Date</u>	<u>End Date</u>	<u>School</u>	<u>Degree</u>
01/1963	01/1967	Brooklyn Law School	JD
01/1957	01/1963	The City College of New York	LLB

### TRAINING

<u>Completed</u>	<u>Description</u>	<u>Details</u>	<u>Firm/School</u>	<u>Hours</u>	<u>Location</u>
09/2009	Motion to Dismiss Training		FINRA	1	
06/2009	Mediation Training	Securities Arb/Med Hot Topics 2009	New York Bar Assn.		New York, NY
05/2009	Mediation Training	Advanced Commercial Mediation Division	Supreme Court, Civil, Commercial Division		
12/2008	Expungement - 2008 Refresher		FINRA	1	
11/2008	Additional Securities Training	10th Annl Symp of The Cardozo Jrnl of Conf Resol	Cardozo Law School	8	New York, NY
06/2008	Non-Securities Related Training	Arbitration/Mediation Hot Topics 2008	City Bar Center for CLE		New York, NY
04/2008	Mediation Training	Advanced Training Commercial Div. Resolution	New York State Unified Court System		
02/2008	Revised Code of Arbitration		FINRA	2	online

03/2007	Non-Securities Related Training	Part 137 Atty-Client Fee Dispute Resolution	New York State Unified Court System		
06/2006	Additional Securities Training	Arb/Med Hot Topics	NYC Bar Securities		
05/2006	Mediation Training	Advanced Mediation	NY Supreme Court		
04/2006	Mediation Training		Deconstruction of a Mediation		
09/2005	Mediation Training		Abrams Mediation & Negotiation	7	
06/2005	Additional Securities Training		Securities Arb/Med Hot Topics		
10/2004	Non-Securities Related Training	Securities Arbitration	NYS Bar Assn.		
08/2004	Expungement online mini-course		NASD	1.5	online
10/2002	Additional Securities Training	Arbitrator Interactive Workshop II	NYSE	3	New York, NY
11/1996	Chairperson Securities Training		NASD	7	New York, NY
12/1995	Employment Law Training		NASD	4	New York, NY
01/1994	Participatory Arbitrator Skills Program	Discovery in Arbitration	NASD	2.5	New York, NY
12/1993	Participatory Arbitrator Skills Program		The Disclosure Process	2	New York, NY
11/1993	Participatory Arbitrator Skills Program	Tools of the Arbitration Process	NASD	16	New York, NY
11/1993	Intro Securities Arbitrator Training		NYSE	5	New York, NY
03/1993	Arbitrator Luncheon		NASD		New York, NY
11/1992	Intro Securities Arbitrator Training	Agents of Fairness	NASD		New York, NY

### DISCLOSURE/CONFLICT INFORMATION

<u>Type</u>	<u>Firm Name</u>	<u>Details</u>
Has an account with	Chase Investment Services Corp.	
Is a Client	David Lerner Associates	
Has an account with	Ryan Beck & Co.	
Has made a disclosure about	Spirit of America Investment Fund	Independent Director (fund managed by D. Lerner)
Has an account with	Stifel Nicolus & Co.	Joint account with spouse
Arbitrator for	AAA	
Is a Member of Bar Association	American Bar Association	
Arbitrator for	BBB	
Had an account with	David Lerner Associates, Inc.	Spouse was listed as JTWRs
Is a member of	Departmental Disciplinary Commission	
Had Intro/Clearing Relationship With	Dirks & Co., Inc.	
Has an account with	ING Life Insurance & Annuity Company	
Had an account with	Merrill Lynch Pierce Fenner & Smith	

Was Arbitrator for	NYSE	
Licensed to Practice		All New York State Courts
Is a Member of Bar Association		Bronx County
Mediator for		Civil Branch
Mediator for		Commercial Division
Is a Member of Bar Association		Federal Council
Mediator for		New York County
Is a Member of Bar Association		New York State
Mediator for		New York State Supreme Court
Licensed to Practice		Supreme Court of the U.S.
Licensed to Practice		U.S. Court of Appeals 2nd Circuit
Licensed to Practice		U.S. Court of Appeals 5th Circuit
Mediator for		U.S. District Court Southern District New York
Licensed to Practice		U.S. District Court Southern & Eastern NY
Licensed to Practice		U.S. Tax Court

### PUBLICLY AVAILABLE AWARDS

Publicly Available Awards Section, Current as of 01/20/2010

<u>Case ID</u>	<u>Case Name</u>	<u>Close Date</u>
05-02909	HMD Capital Management v Thinkequity Partners, LLC	11/28/2006
04-08552	James Cappadona and Karen Cappadona vs. Citigroup Global Markets, Inc.	06/22/2006
02-02199	Refurbco, Inc. and Michael Esposito vs. Salomon Smith Barney Inc., k/n/a Citigroup Global Markets, Inc., Stephen J. et.al	01/31/2006
03-06665	Fred Kaplan SSB IRA Custodian and Arlene & Fred Kaplan JTWROS v. Prudential Equity Group, LLC f/k/a Prudential etal	04/07/2005
03-00579	Joan Conway, individually and as Trustee for the Thomas A. Conway Trust u/t/d 3/11/98 v. CIBC Oppenheimer, et al	11/17/2004
99-04353	Arnold H. Simon v. Hambrecht & Quist LLC and Michael Rice	09/18/2001

### ARBITRATOR BACKGROUND INFORMATION

Former Assistant District Attorney Bronx County, New York. From 1977 to present, I have been associated with Ballon Stoll Bader & Nadler PC (formerly Ballon Stoll & Itzler). I am a former litigation partner and presently Of Counsel to the firm, effective Jan. 1, 2005. I joined the firm as an associate and progressed to a position as a commercial litigation equity partner, monitoring the work of litigation associates, with continued responsibility concerning matters involving a wide variety of general, commercial, corporate, business, real estate and estate litigation, including trial and appellate practice in New York and US Federal Courts. In addition to participating in securities litigation and arbitration proceedings, I was and presently am on the panel of arbitrators for the New York Stock Exchange, NASD, Inc., now known as FINRA, former arbitrator with the American Arbitration Association and the Better Business Bureau of Metropolitan New York, Inc.

My professional activities include: New York State Bar Association, member of Committee On Alternatives to Court Resolution of Disputes, Member of House of Delegates, Member Committee on Professional Discipline; former Member of NYS App Div 1st Dept Disciplinary Comm., Member and former chairman of Joint Committee on Fee Disputes and Conciliation; Rockland County Bar Association member of attorney client fee dispute committee; NYC Bar Assoc Arbitration Committee; Mediator NYS Supreme Court, NY County Civil Branch, Commercial Division; Mediator, US District Court SDNY, Us Bankruptcy Court SDNY.



## Arbitrator Disclosure Report

Report reflects information provided by the arbitrator through 01/15/2010

### ARBITRATOR

**Name:** Mr. David I. Goldblatt  
**Arbitrator ID:** [REDACTED]  
**CRD #:**  
**City/State/Country:** New York / NY / United States  
  
**Classification:** Public  
**FINRA Mediator:** No  
**Chair Status:** Qualified

**Skills in Controversy:**  
 Employment - Breach of Contract, Employment - Commissions, Employment - Compensation, Employment - Discrim. Age, Employment - Discrim. Race, Employment - Employment Discrimination, Employment - Libel or Slander on FormU-5, Employment - Libel or Slander, Employment - Partnerships, Employment - Promissory Notes, Employment - Retaliation, Employment - Wrongful Termination  
  
**Skills in Securities:**  
 Common Stock, Limited Partnerships

**Statutory Discrimination Qualified -** This arbitrator meets the conditions set forth in FINRA's Code of Arbitration Procedure to serve as the chairperson or sole arbitrator on a case involving a statutory discrimination claim.

**Injunctive Qualified -** This arbitrator is an attorney and has reported experience litigating cases involving injunctive relief.

### EMPLOYMENT

<u>Start Date</u>	<u>End Date</u>	<u>Firm</u>	<u>Position</u>
05/1997	Present	Retired	not provided
01/1970	04/1997	Proskauer Rose Goetz et.	Partner
08/1961	10/1970	Proskauer Rose Goetz et.	Associate

### EDUCATION

<u>Start Date</u>	<u>End Date</u>	<u>School</u>	<u>Degree</u>
09/1958	06/1961	Yale Law School	LLB
09/1954	06/1958	Antioch College	BA

### TRAINING

<u>Completed</u>	<u>Description</u>	<u>Details</u>	<u>Firm/School</u>	<u>Hours</u>	<u>Location</u>
03/2009	Motion to Dismiss Training		FINRA		
01/2009	Expungement - 2008 Refresher		FINRA	1	
03/2007	Revised Code of Arbitration		NASD	2	online
08/2004	Expungement online mini-course		NASD	1.5	online
03/1997	Mediation Training		NYC		
11/1996	Chairperson Securities Training		NASD	7	New York, NY
06/1996	Intro Securities Arbitrator Training		NASD	6.5	New York, NY

**DISCLOSURE/CONFLICT INFORMATION**

<u>Type</u>	<u>Firm Name</u>	<u>Details</u>
Has an account with	Charles Schwab & Co., Inc.	
Had an account with	Merrill Lynch Pierce Fenner & Smith	
Arbitrator for	NYSE	
Had an account with	UBS Financial Services Inc.	PaineWebber, Inc. (had)
Is a Client		Bridgewater Advisors Inc.
Was a Client		Intergrated Resources, Inc. (was)
Is a Member of Bar Association		New York

**PUBLICLY AVAILABLE AWARDS**

Publicly Available Awards Section, Current as of 01/20/2010

<u>Case ID</u>	<u>Case Name</u>	<u>Close Date</u>
07-02493	Interactive Brokers LLC v. Lek Securities Corporation, Petra Trading Group LLC, Last Atlantis Capital Management, et.al.	10/28/2009
06-02076	Eugene C. Ross v. Bear Stearns & Co., Inc.	10/09/2009
08-01168	Robert Hwang vs. Stifel Nicolaus and Company, Inc.	04/08/2009
07-02659	Todd Meldrum v. TD Ameritrade, Inc.	03/12/2008
06-04084	Roy Budd vs. Citigroup Global Markets, Inc.	02/25/2008
07-01899	The Estate of Alastair John Stair v. PMG Securities Corporation and Matthew J. Ryan	11/07/2007
05-04473	Rita Fisher v. Fidelity Brokerage Services LLC	06/14/2006
05-04104	Katrina Schalensky v. Citigroup Global Markets (f/k/a Salomon Smith Barney)	02/23/2006
05-00449	Alice Kelly, Pearl Daniels, Phyllis Crank vs. Gilbert C. Varnes, Jr. USAllianz Securities, Inc f/k/a LifeUSA Sec.	12/15/2005
05-01444	J.B. Hanauer & Co. v. Paul Horvath	09/22/2005
00-02546	Max Fodiman, Bruce B. Fodiman, Fred B. Fodiman and Myra M. Fodiman v. David Lerner Associates, Inc.	09/09/2005
04-02884	Ian Allena vs. Prudential Equities Group, LLC John S. O'Donnell and Mark Hyde	08/04/2005
04-04520	Alice Adjmi vs. Citigroup Global Markets, Inc. f/k/a/ Salomon Smith Barney, Inc.	05/26/2005
03-08775	Theresia S. Blair vs. Citigroup Global Markets, Inc. f/k/a Salomon Smith Barney, Inc., John Ryan, David Nelson, etal	12/09/2004
01-03313	Robert W. Lisnoff vs. Parker Financial Corp., Jeffrey Gray, John Serkes and Keith Feldman	07/12/2002
00-04507	Dean Witter Reynolds, Inc. v. Joseph Amato, Michael Braccia, Daniel DelRosso, John A. Zadwydas, et al	04/16/2002
01-00196	Francisco Pedros v. Gilford Securities, Gabriel Carino, Howard Perkins, III, and Chris Pomarico	04/02/2002
99-00472	Kathleen Yacoe-Hughes v. Janney Montgomery Scott, Inc.	02/17/2000
97-01783	Danny Chow v. Joseph Stevens & Co., Schroder Wertheim & Co. and Steven Tabb	05/12/1998
96-01311	Milan L. Obradovich vs. Fidelity Brokerage Services, Inc.	05/23/1997

**ARBITRATOR BACKGROUND INFORMATION**

I am a 1958 graduate of Antioch College, where I majored in Business Administration/Accounting, and a 1961 graduate of Yale Law School, where I was an editor of the Yale Law Journal.

I joined Proskauer Rose LLP (then Proskauer Rose Goetz & Mendelsohn) in 1961, became a partner in 1970, and remained there until 1997, when I retired from the active practice of law. Throughout my career at Proskauer I was a member of the firm's Litigation Department, specializing in commercial and corporate litigation, principally civil. I handled a number of securities class actions, usually representing an accounting firm as defendant, SEC administrative proceedings against accountants, bankruptcy matters on behalf of debtors, employment disputes (representing the employer), patent, copyright and trademark matters, and a variety of other commercial matters.

I have served as an arbitrator for the NASD and the New York Stock Exchange, as an arbitrator or mediator in court-mandated arbitrations or mediations and, through the Bar Association of the City of New York, as a mediator in lawyer-client disputes.

#### CHAIRPERSON QUALIFICATIONS FOR STATUTORY EMPLOYMENT DISCRIMINATION CASES

During the course of my 37 years as a practicing litigator, I handled several cases involving claims of employment discrimination. One involved alleged discrimination on the basis of race, and was tried to a conclusion. Two involved alleged discrimination on the basis of age. One of those was settled and the other dismissed on motion. I have also represented an employer in approximately 12 law suits or arbitration proceedings brought by present or former employees, where the claims were not based on discrimination but on alleged defamation, breach of contract, or other claims.

I was in private practice with a firm of Proskauer Rose LLP, as an associate from 1961-1970 and as partner from 1970. Since May, 1997, I have been a retired partner of that firm.

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## Arbitrator Disclosure Report

Report reflects information provided by the arbitrator through 01/15/2010

### ARBITRATOR

**Name:** Mr. Mitchell S. Friedman      **Skills in Controversy:**  
**Arbitrator ID:** [REDACTED]      There are no skills in controversy information.  
**CRD #:**  
**City/State/Country:** New Hyde Park / NY / United States  
**Classification:** Public      **Skills in Securities:**  
**FINRA Mediator:** No      There are no skills in security information.  
**Chair Status:** Qualified

**Statutory Discrimination Qualified -** This arbitrator meets the conditions set forth in FINRA's Code of Arbitration Procedure to serve as the chairperson or sole arbitrator on a case involving a statutory discrimination claim.

### EMPLOYMENT

<u>Start Date</u>	<u>End Date</u>	<u>Firm</u>	<u>Position</u>
01/1996	Present	NYS Off. of Temp./Disab. Assistance	Admin. Law Judge
01/1994	01/1996	NYS Liquor Authority	Senior Attorney
01/1991	01/1994	NYS Department of Labor	Hearing Referee
01/1990	01/1991	Goldfarb & Goldfarb	Associate
01/1987	01/1990	Franklin Rand Weiss, P.C.	Associate
01/1985	01/1987	Lefrak Organization	Associate
01/1981	01/1985	Franklin Rand Weiss, P.C.	Associate

### EDUCATION

<u>Start Date</u>	<u>End Date</u>	<u>School</u>	<u>Degree</u>
01/1978	01/1981	St. John's Univ. School of Law	JD
01/1974	01/1978	Queens College CUNY	BA

### TRAINING

<u>Completed</u>	<u>Description</u>	<u>Details</u>	<u>Firm/School</u>	<u>Hours</u>	<u>Location</u>
03/2009	Motion to Dismiss Training		FINRA	1	
01/2009	Expungement - 2008 Refresher		FINRA	1	
10/2008	New Online Civility Training		FINRA	1	online
03/2007	Revised Code of Arbitration		NASD	2	online
08/2004	Expungement online mini-course		NASD	1.5	online
10/1999	New Chairperson Training [NASD]		NASD	11	New York, NY

**DISCLOSURE/CONFLICT INFORMATION**

<u>Type</u>	<u>Firm Name</u>	<u>Details</u>
Has an account with	Charles Schwab & Co., Inc.	
Family Member has relationship with	Morgan Stanley Smith Barney	Spouse has account
Family member had relationship with	Citigroup Global Markets, Inc.	Wife had account w/Salomon SSB
Arbitrator for	NYC Small Claims Court	
Is a member of	NYS Administrative Law Judge Association	
Is a Member of Bar Association	New York State	
Was Arbitrator for	New York Stock Exchange	
Family Member has relationship with	Travelers	Wife has account

**PUBLICLY AVAILABLE AWARDS**

Publicly Available Awards Section, Current as of 01/20/2010

<u>Case ID</u>	<u>Case Name</u>	<u>Close Date</u>
07-02017	William J. Heffernan vs. S.W. Bach & Company, Scott Allan Shapiro, Christopher John Barletta, and Peter Miluk	02/04/2009
04-06761	Garrett Going v. Syndicated Capital, Inc., Lloyd McAdams and Faith Lee vs. Robert Gillin & Brian P. King	02/03/2009
04-08460	Matthew J. Trachtenberg vs. Bear Stearns & Co. Inc.	06/28/2006
05-01437	Brij Mittal and Amita Mittal v. Raymond James Financial Services, Inc.	04/21/2006
03-05313	Reva Ostrow vs Merrill Lynch, Pierce, Fenner & Smith, Inc., Citigroup Global Markets Inc. and Sandy Toochin	07/15/2005
03-07176	Eric L. Goldstein vs. Merrill Lynch, Pierce, Fenner & Smith Inc. and Henry M. Blodget	05/20/2005
03-02754	Lilian Heidenberg Reitman vs. UBS Financial Services, Inc. f/k/a UBS PaineWebber, Inc. and Isadore Friedman	09/23/2004
01-06828	Valgest vs. Weatherly Securities Corporation and CIBC Oppenheimer	05/28/2004
01-01611	Berry-Shino Securities, Inc. v. David Monaco and George Munch	02/10/2003
96-02452	Robert K. Smith vs. Ronald Heineman and Bear Stearns Securities Corp.	11/26/2002
00-04410	William Roncaioli and Anne M. Roncaioli v. Investec Ernst & Company, Royce Investment Group, Inc. and Joseph Rudy	11/20/2002
01-03212	Maria Cicchino vs. J.P. Turner & Company L.L.C., Lenard Simon and Rocko Guidici Pietro	07/26/2002
99-01530	Peter Norberto and Mary Sue Norberto v. Millennium Securities Corp. and Kenneth Fuller	08/14/2000
98-00644	Eugene Lugo vs. The Harriman Group, Inc. and Joseph Giannuzzi	03/18/1999

**ARBITRATOR BACKGROUND INFORMATION**

Since December 1991, I have served as an Administrative Law Judge (ALJ) with various agencies of the State of New York. I have also worked as a prosecutor in the Counsel's Office for the NYS Liquor Authority. My duties as an ALJ include eliciting and reviewing the facts presented by parties at hearings and formulating a written opinion in accordance with relevant law, rules and regulations. At the Unemployment Insurance Appeal Board, my duties required me to review other ALJ decisions on an

appellate level to determine if an appropriate decision was issued at the initial hearing level. Previously, I conducted hearings for the New York City Taxi and Limousine Commission. I volunteer as an arbitrator for the New York City Civil Court-Small Claims Part. My private practice focused on real estate and general civil practice matters.

#### CHAIRPERSON QUALIFICATIONS FOR STATUTORY EMPLOYMENT DISCRIMINATION CASES

1/96 to present am an Administrative Law Judge for the State of New York.

12/91 - 5/94 Administrative Law Judge for the NYS Unemployment Insurance Appeal Board (appellate level).

1989 - present serve as an arbitrator for the NYC Civil Court - Small Claims Part.

My experience as an Administrative Law Judge and in particular my time with the UIAB makes me familiar with Labor Law and employment issues. I have been a practicing attorney in this state since 1982.

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## Arbitrator Disclosure Report

Report reflects information provided by the arbitrator through 01/15/2010

### ARBITRATOR

**Name:** Ms. Dora M. Lassinger  
**Arbitrator ID:** [REDACTED]  
**CRD #:**  
**City/State/Country:** East Rockaway / NY / United States  
**Classification:** Public  
**FINRA Mediator:** No  
**Chair Status:** None

**Skills in Controversy:**  
 There are no skills in controversy information.

**Skills in Securities:**  
 There are no skills in security information.

### EMPLOYMENT

<u>Start Date</u>	<u>End Date</u>	<u>Firm</u>	<u>Position</u>
01/1981	Present	Self-employed	Attorney
01/1981	01/1981	Law Office - Maurice Gohenthal	Attorney
01/1979	01/1980	U.S. Virgin Islands (Gov't)	Attorney General
01/1978	01/1979	Mackey & Klein	Attorney
01/1977	01/1978	Law Office of Stuart Law	Attorney

### EDUCATION

<u>Start Date</u>	<u>End Date</u>	<u>School</u>	<u>Degree</u>
01/1974	01/1977	George Washington University	JD
01/1970	01/1974	Clark University	BA

### TRAINING

<u>Completed</u>	<u>Description</u>	<u>Details</u>	<u>Firm/School</u>	<u>Hours</u>	<u>Location</u>
11/2009	New Chairperson Training [FINRA]		FINRA	9	online
11/2009	Revised Code of Arbitration		FINRA	2	online
03/2009	Motion to Dismiss Training		FINRA		
03/2009	Expungement online revised - 3/2009		FINRA	1.5	online
05/2008	Revised Code of Arbitration		FINRA	2	online
10/2005	Expungement online mini-course		NASD	1.5	online
12/1992	Served as Arbitrator 1/1/90-12/31/92		NASD		

### DISCLOSURE/CONFLICT INFORMATION

<u>Type</u>	<u>Firm Name</u>	<u>Details</u>
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Has an account with	Banc of America Investment Services, I	
Had an account with	Dreyfus Service Corporation	
Has an account with	Fidelity Investments Institutional Svcs	
Had an account with	Gruntal & Co., L.L.C.	
Initiated/defended legal action against	Prudential Equity Group, LLC	settled 1985
Had an account with	Quick and Reilly, Inc.	
Arbitrator for	NYSE	
Family member had relationship with	Prudential Equity Group, LLC	Parents named Prudential in civil suit 1985/Set'd
Is Shareholder of		Currently holds shares of: VERIZON Communications
Has an account with		Janus
Had an account with		TIAA-CREF (NYS College Savings Program)

### PUBLICLY AVAILABLE AWARDS

Publicly Available Awards Section, Current as of 01/20/2010

<u>Case ID</u>	<u>Case Name</u>	<u>Close Date</u>
06-02114	Michael M. Miley vs. Citicorp Investment Services and Carol Dahl	06/20/2007
06-03327	Safa Abdulrahman vs. Citicorp Investment Services and Achille Raspantini	05/10/2007
99-04582	Ronald C. DiMaggio vs. Credit Lyonnais Securities, Inc. and Doug Stone	05/22/2003
01-06533	Jonathan Lesnik vs. Richard W. Stopa and Frank DePasquale	01/14/2003
98-01457	William J. Sarich vs. Steven Williams, Westfield Financial Corp., Dickinson & Co., Robert Todd Finanical Corp, et al	09/11/2000
94-05540	Graham G. Sampson v. Stratton Oakmont, Inc.	07/03/1996
95-01803	Bush & Bush Partners vs. Franklin Utermehle & Prudential Securities, Inc.	02/28/1996
93-03975	Edith Margolies vs. Merrill Lynch Pierce Fenner & Smith Inc.	08/22/1995
92-04362	George Levenderis vs. Frank DeFrancisco & Tom Reichert	07/06/1993
92-01835	Alfred Mannella vs. Shearson Lehman Brothers, Inc., Erwin J. Riven and Steven Knapp	06/14/1993
92-02337	Isaac M. Diller vs. Smith Barney, Harris Upham & Co. Inc. and Mark Martino	02/23/1993
91-02884	William Yakal vs. Christopher Papa, Allen G. Snider and Painewebber, Inc.	04/01/1992
91-02475	Peter Russell Certo, Sr. administrator and sole beneficiary of the Estate of Florence Certo vs. Phoenix Equity Planning	03/09/1992
90-01962	Dong Ku Lee vs Wellshire Securities, Inc., William Ross, George Cooper and Michael Howard	06/07/1991
89-03601	Arthur Levine et al vs Shearson Lehman Hutton, Inc.	08/15/1990
88-03659	Frank J. Giaquinto vs. Dale Yeakel and John Vega	10/27/1989

### ARBITRATOR BACKGROUND INFORMATION

Since 1981, I have been self-employed. From 1981 to 1989, the majority of my practice consisted of litigation, both civil and criminal. Since 1989, my practice has consisted mostly of appellate work, and service as an arbitrator or hearing officer in a variety of forums. A small part of my practice is devoted to residential real estate, estate and education matters. Since 1988, I have served as an impartial hearing officer for the New York City Board of Education.

From 1977 (when I graduated law school) to 1981, I worked at two general practice law firms; and then for the Government of the Virgin Islands, as a prosecutor. During law school, I worked as a law clerk in the General Counsel's Office of the NASD in Washington, DC

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## Arbitrator Disclosure Report

Report reflects information provided by the arbitrator through 01/15/2010

### ARBITRATOR

<p><b>Name:</b> Mr. Harold Webb</p> <p><b>Arbitrator ID:</b> [REDACTED]</p> <p><b>CRD #:</b></p> <p><b>City/State/Country:</b> New York / NY / United States</p> <p><b>Classification:</b> Public</p> <p><b>FINRA Mediator:</b> No</p> <p><b>Chair Status:</b> Qualified</p>	<p><b>Skills in Controversy:</b></p> <p>Account Related - Dividends, Trading Disputes - Mark-ups</p> <p><b>Skills in Securities:</b></p> <p>Annuities, Common Stock, Corporate Bonds, Hedge Fund, Limited Partnerships, Mutual Funds, Municipal Bonds, Options, Private Equities, Preferred Stock, Real Estate Investment Trust, Stock Index Futures, Warrants/Rights</p>
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**Injunctive Qualified** - This arbitrator is an attorney and has reported experience litigating cases involving injunctive relief.

### EMPLOYMENT

<u>Start Date</u>	<u>End Date</u>	<u>Firm</u>	<u>Position</u>
12/2002	Present	Retired	-
07/1995	12/2002	City Department of Health	Administrative Law Judge
07/1994	07/1995	Semi-retired	-
06/1989	06/1994	US Attorneys Office Miami	Assistant US Attorney
01/1971	01/1989	US Department of Justice	Trial Attorney
01/1969	01/1970	Sands, Geller & Webb	Attorney
01/1968	01/1969	Put & Call Brokers Association	Executive Director
01/1960	01/1968	US Securities & Exchange Commission	Enforcement Attorney
01/1958	01/1959	National Labor Relations Board	Legal Assistant/Attorney

### EDUCATION

<u>Start Date</u>	<u>End Date</u>	<u>School</u>	<u>Degree</u>
01/1983	01/1987	College for Financial Planning	Certificate
01/1956	01/1959	George Washington University	LLB
01/1949	01/1953	University of Alabama	BS Business Administration

### TRAINING

<u>Completed</u>	<u>Description</u>	<u>Details</u>	<u>Firm/School</u>	<u>Hours</u>	<u>Location</u>
03/2009	Motion to Dismiss Training		FINRA	1	
12/2008	Expungement - 2008 Refresher		FINRA	1	
03/2007	Revised Code of Arbitration		NASD	2	online
12/2004	Expungement online mini-course		NASD	1.5	online

06/1999	Non-Securities Related Training	Additional Arbitration Training	
05/1999	Chairperson Securities Training	NASD	7
06/1998	Additional Securities Training	Association Bar of NYC- Securities	2.4
10/1995	Intro Securities Arbitrator Training	Introductory Arbitrator Training	7
06/1990	Mediation Training	US Department of Justice	
01/1959	Employment Law Training	George Washington/Labor	

### DISCLOSURE/CONFLICT INFORMATION

<u>Type</u>	<u>Firm Name</u>	<u>Details</u>
Has an account with	Fidelity Investments	
Initiated/defended legal action against	Morgan Stanley & Co., Incorporated	Morgan Stanley/DWR-decision in favor of clmnt-NYSE
Had an account with	Ameritrade	
Had an account with	Brown & Co.	
Had an account with	Charles Schwab & Co., Inc.	
Had an account with	Merrill Lynch	
Was Arbitrator for	NYSE	
Had an account with	TD Waterhouse Investor Services, Inc.	
Was a Member of Bar Association		District of Columbia
Is a Member of Bar Association		Federal
Initiated/defended legal action against		Gruntal & Co., Inc. (settled)
Initiated/defended legal action against		Haight & Co. Inc. 1960's while at the SEC
Initiated/defended legal action against		Lombard & Co. 1960's while at the SEC
Was a Member of Bar Association		New York
Has made a disclosure about		Voluntarily permitted CFP license to lapse
Initiated/defended legal action against		Walston & Co. (1969-1970 settled)

### PUBLICLY AVAILABLE AWARDS

Publicly Available Awards Section, Current as of 01/20/2010

<u>Case ID</u>	<u>Case Name</u>	<u>Close Date</u>
07-01980	GunnAllen Financial v. Andrew Tressler	03/27/2008
06-00242	Dr. James J. Hain. vs. Joseph Stevens & Company	11/27/2006
04-08270	L.H. Ross & Company, Inc. vs. Gerald R. Sharpe, Jr., Nicholas D'Amico, Joseph Carrara and Dawn Sharpe	07/25/2006

04-02411	Mark and Bertha Kapetanakis vs. Merrill Lynch, Pierce, Fenner & Smith, Inc., Rittenhouse Financial Services, et al.	05/01/2006
02-02465	Dorothy Harmonay, TTEE/Trust for Benefit of S. Leo Harmonay vs. James J. Montalto, et.al v. S. Leon Harmonay	06/24/2004
01-00520	Barbara Carpe v. Jerome Rubin, Matthew Halpert a/k/a Jeffrey Halpert, and Alan Halpert	06/24/2003
00-02409	Wall Street Access v. Jacob Newman	12/26/2000
99-04089	Casey Baum vs. DLJ Direct, Inc.	09/07/2000
97-01686	Lawrence Mendosa v. Cohig & Associates, Inc. and Jack Emerick	03/02/1998

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## ARBITRATOR BACKGROUND INFORMATION

From 1995 through 2002, I was employed as an Administrative Law Judge, by the City of New York, on a per-diem basis. I primarily adjudicated health and safety code infractions.

As a semi-retired attorney since 1994, I have handled some legal matters on a pro-bono basis. In the recent past, I was involved as co-counsel in a securities class action case, as well as claimant's counsel for two arbitration matters pertaining to broker-dealers.

From 1989 to 1994, I was an Assistant U.S. Attorney in Miami, specializing in the enforcement of civil judgements and fines imposed in criminal cases. During the period 1971 to 1989, I was employed by the U.S. Department of Justice in Washington D.C., as a trial attorney. I worked on a variety of cases and matters relating to organized crime, bank and securities fraud, foreign agents, asset forfeiture and the collection of criminal fines.

In the period 1968 to 1970, I was employed in the options industry, working for a trade association as executive director and subsequently, as an attorney specializing in securities litigation.

From 1960 to 1968, I was an attorney with the U.S. Securities & Exchange Commission, in Washington, D.C. I specialized in investigating and litigating broker-dealer cases.

I have an undergraduate degree in Business from the University of Alabama (1953). And a law degree from the George Washington University (1959). I also completed all course and examination requirements from the College of Financial Planning in 1987. As a result, I obtained a Certified Financial Planning (CFP) designation, which lapsed through non-use.

From 1953 to 1955, I served as an Army Lieutenant and was honorably discharged.

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## Arbitrator Disclosure Report

Report reflects information provided by the arbitrator through 01/15/2010

### ARBITRATOR

**Name:** Mr. Richard B. Dannenberg  
**Arbitrator ID:** [REDACTED]  
**CRD #:** [REDACTED]  
**City/State/Country:** Purchase / NY / United States

**Skills in Controversy:**

Account Related - Dividends, Account Related - Margin Calls, Account Related - Transfer, Executions - Execution Price, Executions - Limit v. Market Order, Employment - Breach of Contract, Employment - Discrim. Age, Employment - Discrim. Disability, Employment - Sexual Harassment, Employment - Wrongful Termination, Other - Underwriting, Trading Disputes - Stock Loans

**Classification:** Public  
**FINRA Mediator:** Yes  
**Chair Status:** None

**Skills in Securities:**

Annuities, Commodities Futures, Limited Partnerships, Mutual Funds, Municipal Bonds

### EMPLOYMENT

<u>Start Date</u>	<u>End Date</u>	<u>Firm</u>	<u>Position</u>
06/2005	Present	Pace Law School	Adjunct Professor
01/1987	08/2008	Lowey Dannenberg Bemporad & Selinger, PC	Principal/Counsel
01/1978	01/1978	Lowey Dannenberg & Burton L. Knapp	Partner
01/1974	01/1978	Lipper Lowey Dannenberg & Burton L. Knapp	Partner
01/1970	01/1974	Lipper Lowey & Dannenberg	Partner
09/1969	05/1970	R. Gilder & Company	Administrative Officer
01/1968	01/1970	Lipper Lowey Dannenberg & Katcher	Partner
01/1959	01/1968	Lipper Shinn Keeley & Dannenberg	Partner
06/1955	12/1958	Lipper Shinn & Keeley	Associate Attorney

### EDUCATION

<u>Start Date</u>	<u>End Date</u>	<u>School</u>	<u>Degree</u>
09/1952	06/1955	Yale Law School	LLB
09/1948	06/1952	Duke University	BA

### TRAINING

<u>Completed</u>	<u>Description</u>	<u>Details</u>	<u>Firm/School</u>	<u>Hours</u>	<u>Location</u>
05/2009	Expungement - 2008 Refresher		FINRA	1	
03/2009	Motion to Dismiss Training		FINRA	1.5	online
03/2007	Revised Code of Arbitration		NASD	2	online
03/2005	Expungement online mini-course		NASD	1.5	online
01/2005	New Panel Member Training [NASD]		NASD	11	New York, NY

**DISCLOSURE/CONFLICT INFORMATION**

<u>Type</u>	<u>Firm Name</u>	<u>Details</u>
Has an account with Arbitrator for	Citigroup Global Markets, Inc.	Smith Barney
Was a Member of Bar Association	American Arbitration Association	
Had an account with	American Bar Association	
Had an account with	Bear Stearns & Co., Inc.	closed
Had an account with Investor complaint/arbitration/suit	CFSB	
Was a Member of Bar Association	Citigroup	2005 (closed)
Had an account with	City of New York	
Was a Member of Bar Association	Fahnestock & Co., Inc.	
Had an account with	Federal Bar Council	
Had an account with	First Fidelity	
Had an account with	First Union	
Initiated/defended legal action against	Gilder Gagnon Howe & Co.	1990-2003
Was a Client	Gilder Gagnon Howe & Co., LLC	ceased over three years ago
Had an account with	Gilder Gagnon Howe & Co., LLC	
Had an account with	Merrill Lynch	
Was a Member of Bar Association	NY State Bar Association	
Was Arbitrator for	NYSE	
Licensed to Practice Law in	New York	retired
Had an account with	Oppenheimer & Co.	
Is a member of	Pace Law School	Pace Investor Rights Project
Initiated/defended legal action against	Software Toolworks	Over 10 years ago
Was a member of	The Westchester Arts Council	Trustee (2000-2008)
Mediator for	USDC Southern District of New York	Certified (1996 - present)
Had an account with	Wachovia Securities	
Was a Member of Bar Association	Westchester County Bar Association	
Was a member of	Westchester Philharmonic	Director and Treasurer
Has made a disclosure about		Former law firm brought action ag b/ds '68-'04

**PUBLICLY AVAILABLE AWARDS**

Publicly Available Awards Section, Current as of 01/20/2010

<u>Case ID</u>	<u>Case Name</u>	<u>Close Date</u>
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There is no award information.

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### ARBITRATOR BACKGROUND INFORMATION

Admitted to the New York Bar since December 1955. Assisted in 1968 in the formation of the predecessor firm to Gilder Gagnon Howe & Company, LLC, presently at 1775 Broadway, N.Y. ("Gilder"), a registered broker-dealer and member of the New York Stock Exchange. I and my law firm acted as outside counsel to Gilder for more than 36 years, principally for regulatory matters (ceased in 2004).

For more than 40 years engaged in complex litigation principally involving federal and state securities matters. Totally familiar with broker-dealer law, and familiar with the 1933 Act, the 1934 Act and the two 1940's Acts. In the 1960's, co-lead counsel before Judge Bonsal in the Texas Gulf Sulphur class actions. Argued and prosecuted *Deutschman v. Beneficial Finance*, involving the right of purchasers of options to prosecute a class action under Section 10(b) and Rule 10b-5 of the 1934 Act. Lead counsel before Judge Vaughn Walker of the Northern District of California in the Oracle class action. Have prosecuted numerous civil actions in Delaware Chancery Court involving issues of corporate governance.

Since mid-1996, have served as a mediator in the federal mediation program for the Southern District of New York, administered by George O'Malley, Esq..

Presently, an adjunct professor at Pace Law School, teaching and acting as a faculty supervisor for the securities arbitration clinic of the John Jay Legal Services, Inc., working with Professors Barbara Black and Jill Gross.

Have participated actively or as supervising counsel in a dozen or more arbitrations before the NASD on behalf of claimants or respondents (mostly respondents).

Presently serve as a member of the advisory counsel of Pace Investor Rights Project of Pace Law School.

From 1968 to 1970, I was an allied member of the New York Stock Exchange and a principal of R. Gilder & Company, Inc., a predecessor firm to Gilder Gagnon Howe & Co., LLC, and for approximately two years, worked at the firm as chief administrator (having left my law practice).

Presently, since January 5, 2004, acting as counsel to the law firm of Lawey Dannenberg Bemporad & Selinger, P.C., White Plains, NY, with which firm, or its predecessor firms I was previously associated for more than 49 years, either as an associate, partner or principal. See supplement to Question 7 for the names of the predecessor firms.

Other: Present outside interests: Trustee of the Westchester Arts Council and an Executive Committee member and on its Finance Committee. Formerly, ad director and Treasurer of the Westchester Philharmonic.

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## Arbitrator Disclosure Report

Report reflects information provided by the arbitrator through 01/15/2010

### ARBITRATOR

**Name:** Ms. Pamela H. Roderick  
**Arbitrator ID:** [REDACTED]  
**CRD #:** [REDACTED]  
**City/State/Country:** Brooklyn / NY / United States

**Skills in Controversy:**

Account Related - Dividends, Account Related - Margin Calls, Account Related - Transfer, Executions - Execution Price, Executions - Limit v. Market Order, Employment - Breach of Contract, Employment - Commissions, Employment - Compensation, Employment - Discrim. Age, Employment - Discrim. Disability, Employment - Discrim. Gender, Employment - Discrim. National Origin, Employment - Discrim. Race, Employment - Discrim. Religion, Employment - Employment Discrimination, Employment - Discrim. Sexual Orientation, Employment - Retaliation, Employment - Wrongful Termination, Other - Clearing Disputes, Other - Recruitment Disputes, Other - Underwriting, Trading Disputes - Mark-ups, Trading Disputes - Other Floor Trading, Trading Disputes - Stock Loans

**Classification:** Public  
**FINRA Mediator:** No  
**Chair Status:** Qualified

**Skills in Securities:**

Common Stock, Corporate Bonds, Fannie Mae, Freddie Macs, Ginnie Maes, Government Securities, Hedge Fund, Limited Partnerships, Mutual Funds, Municipal Bonds, Municipal Bond Funds, Options, Private Equities, Preferred Stock, Real Estate Investment Trust, Structured Products, Warrants/Rights

### EMPLOYMENT

<u>Start Date</u>	<u>End Date</u>	<u>Firm</u>	<u>Position</u>
11/1988	Present	Self-Employed	Freelance Writer
01/1986	11/1988	Albert Frank-Guenther Law	Account Executive
03/1985	12/1985	Investment Dealers Digest	Writer
03/1984	03/1985	CBS Radio Network	Editor
11/1981	10/1982	WMER/Net New England Radio	Reporter
06/1979	07/1981	WINS Radio	Reporter
05/1976	12/1978	WHN Radio	News Assistant
01/1971	08/1976	State Senator Roy M. Goodman	Press Secretary
07/1968	01/1971	Fairchild Publications	Copywriter, Reporter
01/1968	07/1968	Office of Mayor	Research Assistant
01/1967	12/1967	Central Intelligence Agency	Junior Analyst

### EDUCATION

<u>Start Date</u>	<u>End Date</u>	<u>School</u>	<u>Degree</u>
09/1962	06/1966	Wheaton College	BA Government

### TRAINING

<u>Completed</u>	<u>Description</u>	<u>Details</u>	<u>Firm/School</u>	<u>Hours</u>	<u>Location</u>
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04/2009	Motion to Dismiss Training	FINRA	1	
01/2009	Expungement - 2008 Refresher	FINRA	1	online
04/2007	Revised Code of Arbitration	NASD	2	online
01/2006	Direct Communication Rule	NASD	1	online
08/2004	Expungement online mini-course	NASD	1.5	online
03/2002	New Chairperson Training [NASD]	NASD	11	New York, NY
03/1997	Employment Law Training	NASD	3	New York, NY
11/1994	Participatory Arbitrator Skills Program	NASD Discovery in Arbitration	2.5	New York, NY
10/1993	Arbitrator Luncheon	NASD Pro se Parties	2.5	New York, NY
08/1993	Arbitrator Luncheon	NASD		New York, NY
04/1993	Employment Law Training	NASD	2	New York, NY
09/1992	Intro Securities Arbitrator Training	NASD	3	New York, NY

### DISCLOSURE/CONFLICT INFORMATION

<u>Type</u>	<u>Firm Name</u>	<u>Details</u>
Has an account with	Neuberger Berman Management Inc.	Neuberger Berman (has)
Had an account with		Dreyfus Service Corp. (had)
Has an account with		Janus Funds
Has an account with		Northeast Investors Trust (has)
Had an account with		Strong Cap. Management (had)
Has an account with		Vanguard (has)

### PUBLICLY AVAILABLE AWARDS

Publicly Available Awards Section, Current as of 01/20/2010

<u>Case ID</u>	<u>Case Name</u>	<u>Close Date</u>
08-03999	Louis Basel and Penelope Basel vs. Wachovia Securities LLC and Neophytos Ganiaris	06/19/2009
07-00476	Estate of Thomas H. Piccarreto by Bettina M. Piccarreto, Administrator v. Great Eastern Securities, Inc., et al.	04/29/2008
07-00312	Harold I. Geringer & Jeff G. Mallouk for Estate of George Mallouk v. Citigroup Global Markets, Inc. and Otto John Betz	11/09/2007
06-02193	Jan Forsyiaak v. Scottrade, Inc. and Dennis Doherty	05/03/2007
05-03301	John Chen v Citigroup Global Markets, Inc	05/24/2006
05-00837	Henry Schiff and Joan Schiff vs. Citigroup Global Markets, Inc., and Bear, Stearns & Co., Inc.	03/31/2006
03-04316	Victor J. Ciosi and Phyllis A. Ciosi v. Bernard McGee d/b/a McGee Financial Services, Royal Allince Associates, Inc,etal	08/12/2004
01-01865	Philip A. DeVincentis v. Dalton Kent Securities Group, Inc., and Bret Grebow	06/19/2003
01-00657	James S. Turner v. Citigroup, Inc. and Citicorp Securities Services, Inc.	01/28/2003
01-03148	William F. Reichenbach & Joan D. Reichenbach v. A.G. Edwards & Sons, INC.	01/09/2002

01-02546	Andres Ordonez v. E*Trade Securities, Inc.	11/01/2001
98-02030	Eugene C. Partyka vs. Marcial Chiong	02/24/1999
96-05292	Voula and Constantine Salonitis vs. State Street Capital Markets, Inc. and George Christodoulou	04/29/1998
97-00546	Letitia Fabiani vs. Merrill Lynch, Pierce, Fenner & Smith, Inc. and John A. Busco	11/14/1997
95-00409	Harold E. Bluestone v. Douglas Getzke	04/30/1997
95-05501	Ruth W. Rosenfield v. A.J. Michaels & Co., Ltd., Robert Murphy and A. Korogodon	03/06/1997
94-04974	Richard A. Sattler and Patricia Sattler JTEN vs. Charles Parisio	05/14/1996
94-01664	Omar Aslaoui v. Shearson Lehman Brothers	11/27/1995
94-00747	Colesi Limited vs. Dean Witter Reynolds, Inc.	06/20/1995
92-04018	Barry Kazatsky and Beverly Kalisher vs. Jerome Glickman, Bear Stearns & Co., Inc. and Cowen & Co.,	03/01/1994
91-02967	Arcadio Casillas vs. Whale Securities Co. and Cowen and Company	02/10/1994
92-03573	Gayle E. Brookfield vs. Joe Vazza, David Sims, Michael Zirpolo, Fred Mitchell & Merrill Lynch Pierce Fenner & Smith	09/09/1993
92-02715	Eugene Koalkin vs. Prudential Securities, Inc. and Selig Ratchick	08/04/1993
92-00606	Gary Loupassakis and Joyce Loupassakis vs. Prudential-Bache Securities, Inc., Jeffrey Moruzzi and Nunzio Garzino	03/19/1993
91-03843	Patricia Gennarelli vs. Fahnestock & Co. Inc. and Marc Andor Menton	12/22/1992
92-00243	Diane L. Errickson vs. Shearson Lehman Brothers, Inc.	09/03/1992

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### ARBITRATOR BACKGROUND INFORMATION

As a freelance writer specializing in finance and business, I have written about issues as diverse as private placements, brokers' ethics, vulture funds, international joint ventures and market regulation for publications covering business finance, asset management, global investing and the securities markets.

I also work as an editor, writer and public relations/marketing consultant for various financial, business and education projects, such as initial public offerings, new business development, annual reports, promotional brochures, direct mail and media relations. My background is in news, business journalism and government.

After majoring in government at Wheaton College in Massachusetts, I went to Washington, DC, spent one year analyzing data on Chinese economics for the CIA, then fled back to New York. After a few months of research for Mayor John Lindsay's speech writer, I went to work in business journalism for Fairchild Publications. Almost three years later, I was lured back into government by a State Senator for whom I had done volunteer work and who wanted me to set up a constituent service office.

After six years as an ombudsman, community liaison and then press secretary, I veered into news radio and spent many years in broadcasting, both on the air and behind the scenes. Eventually I returned to the written word, where I have remained.

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**Arbitrator Disclosure Report**

Report reflects information provided by the arbitrator through 01/15/2010

**ARBITRATOR**

**Name:** Ms. Alice J. P. Lee-Getman  
**Arbitrator ID:**   
**CRD #:**   
**City/State/Country:** New York / NY / United States  
**Classification:** Public  
**FINRA Mediator:** No  
**Chair Status:** None

**Skills in Controversy:**  
There are no skills in controversy information.

**Skills in Securities:**  
There are no skills in security information.

**EMPLOYMENT**

<u>Start Date</u>	<u>End Date</u>	<u>Firm</u>	<u>Position</u>
08/2005	03/2007	AMEX/RSM McGladrey	Manager
01/2004	01/2005	Consulting	Various
05/2003	10/2003	PSCH, Inc.	Director of Accounting
01/2002	Present	Arbitrator/Consulting Accountant	Various Positions
05/1999	01/2002	Cosmopolitan Gem Corporation	Director of Accounting
09/1997	04/1999	Brenton International Inc.	Controller
07/1995	01/1996	Names For Dames	Director Accounting
07/1994	05/1995	Philip Whitney	Controller
03/1993	07/1994	Nakash Brothers Realty	Controller
03/1991	01/1993	Russ Togs, Inc.	Assistant Controller
11/1989	03/1991	Unity Healthcare Holding	Assistant to VP
06/1986	11/1989	Global Technology Group	Accounting Manager

**EDUCATION**

<u>Start Date</u>	<u>End Date</u>	<u>School</u>	<u>Degree</u>
08/1983	06/1986	Wagner College	MBA Management
09/1969	06/1974	Tamkang University	BBA Accounting
09/1963	06/1969	Taoyuan High School	not provided

**TRAINING**

<u>Completed</u>	<u>Description</u>	<u>Details</u>	<u>Firm/School</u>	<u>Hours</u>	<u>Location</u>
01/2009	Expungement - 2008 Refresher		FINRA	1	
07/2007	Revised Code of Arbitration		NASD	2	online
12/2004	Expungement online mini-course		NASD	1.5	online

**DISCLOSURE/CONFLICT INFORMATION**

<u>Type</u>	<u>Firm Name</u>	<u>Details</u>
Has an account with	Charles Schwab & Co., Inc.	Charles Schwab & Company, Inc.
Has an account with	TD Waterhouse Investor Services, Inc.	TD Waterhouse

**PUBLICLY AVAILABLE AWARDS**

Publicly Available Awards Section, Current as of 01/20/2010

<u>Case ID</u>	<u>Case Name</u>	<u>Close Date</u>
08-03221	Song Sop Choe vs. Fordham Financial Management, Inc.	04/24/2009
05-02827	CIBC World Markets Corporation v. Michael Sassano	11/17/2008
04-00465	Herbert and Rose Lieberman vs. Merrill Lynch Pierce Fenner & Smith, Inc. and Steven N. Jaenichen	02/18/2005
03-01215	Magda Bondy and Sandra Peters vs. Salomon Smith Barney and David Yvars	03/05/2004
01-00374	Robert Ehrenspeck, Ronald Kilbride, et al v. Dean Petkanas, Frank Fackovec, Michael Kooyman, et al	05/13/2003
01-03436	Richard Martens v. Cory D. Lev and Salomon Smith Barney	04/03/2002
99-04549	Yochanan Kalilmi Youssian vs. Intercontinental Equities, Inc Thomas P. Knight and Roger L. Smolik	12/03/2001

**ARBITRATOR BACKGROUND INFORMATION**

With more than thirteen years of increasing responsibilities in both large and small corporate environments, I have developed a diversified background with extensive experience in business operational management and financial reporting, including G.A.A.P compliance and general accounting skills.

I have had hands-on experience in designing financial reporting systems, implementing automated accounting systems, and devising internal control systems. In addition, I have interacted directly with banking and lending institutions and managed treasury functions during times of economical stress.

## Arbitrator Disclosure Report

Report reflects information provided by the arbitrator through 01/15/2010

### ARBITRATOR

<b>Name:</b>	Mr. John G. Kennedy	<b>Skills in Controversy:</b>	Employment - Compensation, Employment - Wrongful Termination
<b>Arbitrator ID:</b>	[REDACTED]	<b>Skills in Securities:</b>	There are no skills in security information.
<b>CRD #:</b>	[REDACTED]		
<b>City/State/Country:</b>	Bayville / NY / United States		
<b>Classification:</b>	Public		
<b>FINRA Mediator:</b>	No		
<b>Chair Status:</b>	None		

### EMPLOYMENT

<u>Start Date</u>	<u>End Date</u>	<u>Firm</u>	<u>Position</u>
07/2002	Present	Village of Bayville	Associate Village Justice
07/2002	Present	John G. Kennedy, P.C.	Independent Arbitrator
10/2000	07/2002	Unemployed	-
03/1996	10/2000	Capetola & Doddato, P.C.	Counsel
01/1991	03/1996	Unemployed	-
06/1986	06/1988	Unemployed	-
09/1977	06/1986	LIU, CW Post College	Adjunct Professor
01/1958	06/2002	Nassau County Police Department	Deputy Commissioner of Police

### EDUCATION

<u>Start Date</u>	<u>End Date</u>	<u>School</u>	<u>Degree</u>
06/1988	01/1991	Hofstra University, School of Law	JD
06/1976	10/1977	LIU, CW Post College	MA Professional Studies
06/1972	02/1976	LIU, CW Post College	BA
01/1968	06/1972	Nassau Community College	AAS

### TRAINING

<u>Completed</u>	<u>Description</u>	<u>Details</u>	<u>Firm/School</u>	<u>Hours</u>	<u>Location</u>
01/2009	Expungement - 2008 Refresher		FINRA	1	
10/2007	Non-Securities Related Training	Labor Arbitrator II	AAA		
07/2007	Revised Code of Arbitration		NASD	2	online
06/2005	New Chairperson Training [NASD]		NASD	11	online
08/2004	Expungement online mini-course		NASD	1.5	online

**DISCLOSURE/CONFLICT INFORMATION**

<u>Type</u>	<u>Firm Name</u>	<u>Details</u>
Has an account with	BNYHamilton Distributors, Inc.	
Has an account with	Citistreet Equities Llc	
Has an account with	HSBC Brokerage (USA) Inc.	
Has an account with	Northwestern Mutual Investment Services, Llc	
Has an account with	Nuveen Investments, Llc	
Has an account with	T. Rowe Price Investment Services, Inc.	
Has an account with	Treasury Direct	
Arbitrator for	American Arbitration Association	
Is a member of	Detectives Association	
Arbitrator for	Federal Mediation & Conciliation Service	
Is a member of	Friendly Sons of St. Patrick	
Is a member of	Global Arbitration Mediation Association	
Is a member of	Industrial Relations Research Association	
Is a member of	International Association of Chiefs of Police	
Is a member of	NCPD Superior Officers Association	
Is a Member of Bar Association	Nassau County	
Is a member of	Nassau County Magistrates Association	
Is a member of	Nassau Health Care Corporation	
Is a member of	National Arbitration Forum	
Is a Member of Bar Association	New York State	
Arbitrator for	New York State Employment Relations Board	
Was Arbitrator for	New York Stock Exchange	
Is a member of	Police Benevolent Association	
Is a member of	Society of Federal Labor Relations Professionals	
Arbitrator for	Suffolk County Public Employment Relations Board	
Is a Member of Bar Association	US District Court - Eastern District of NY	
Is a Member of Bar Association	United States Supreme Court	

**PUBLICLY AVAILABLE AWARDS**

Publicly Available Awards Section, Current as of 01/20/2010

<u>Case ID</u>	<u>Case Name</u>	<u>Close Date</u>
08-03001	Jarod C. Winters vs. Barclays Capital Inc. and Barclays Bank PLC	01/05/2010
06-04123	Ronald Hancock v. Bearguard Financial Services, et al	05/23/2007

**ARBITRATOR BACKGROUND INFORMATION**

I was employed by the Nassau County Police Department for the past 44 years in all phases of law enforcement. I retired in June 2002 at the rank of Deputy Police Commissioner. At that time my main duties included the administration of the 11th largest Police Department in the United States, with a budget in excess of \$600 million dollars, employing 2,800 sworn members of the Force and 1,900 civilian members of the Department. During my course of employment with the Department, I was cross-designated by the United States Custom Service and United States Marshal's Service as a Special Agent. Presently, I serve as the Director of the Department's Crime Stoppers program, and since 1995, I have served as Legal Counsel to the Nassau County Police Department Pipes and Drums Band.

Since my retirement from the Police Department, I have been designated as one of a six-member rotating arbitration panel conducting grievance arbitrations between various employers and members of the UFCW Local 342, UFCW Local 174 and UFCW Local 50 unions. Additionally, I am the designated arbitrator for these unions for all matters involving delinquent contributions to their Affiliated Trust and Pension Funds, which are required under various collective bargaining agreements. I am a member of the Society of Federal Labor Relations Professionals, the Industrial Relations Research Association and the National Arbitration Forum.

In addition, on July 15, 2002, I was appointed as an Associate Village Justice in the Village of Bayville Court hearing various cases involving violations of the NYS Vehicle and Traffic Law, violations of Village Ordinances, and other matters coming to the attentions of the Court.

I continue as the general research assistant and technical advisor to best selling author Nelson DeMille for his novels Plum Island (1997), Lions Game (1999), Up Country (2002), Night Fall (2004) and Wild Fire (2006), each published by Warner Co. Further, I am a contributing author of the Criminal and Civil Investigation Handbook, published by McGraw Hill 1981, Revised 1992.

I received a Bachelor of Arts degree and a Master in Professional Studies degree from Long Island University, C. W. Post College and from 1977 to 1986, I was employed by LIU, C. W. Post College as an Adjunct Professor in the Department of Criminal Justice.

In 1991, I received the degree of Juris Doctor from Hofstra University School of Law and am admitted the New York State Bar, the United States Supreme Court and the United States District Court - Eastern District of New York.

Experience:

Contract Interpretation

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## Arbitrator Disclosure Report

Report reflects information provided by the arbitrator through 01/15/2010

### ARBITRATOR

<b>Name:</b>	Mr. Peter Dixon Trinkle	<b>Skills in Controversy:</b>	Account Related - Transfer, Executions - Execution Price
<b>Arbitrator ID:</b>	[REDACTED]		
<b>CRD #:</b>	[REDACTED]		
<b>City/State/Country:</b>	Brooklyn / NY / United States		
<b>Classification:</b>	Public	<b>Skills in Securities:</b>	Annuities, Mutual Funds, Variable Annuities
<b>FINRA Mediator:</b>	No		
<b>Chair Status:</b>	None		

### EMPLOYMENT

<u>Start Date</u>	<u>End Date</u>	<u>Firm</u>	<u>Position</u>
02/2008	Present	Kaplan Professional	Instructor
01/2003	Present	Self employed	Freelance Writer
10/2000	01/2003	Worldinsure	Director
02/1995	10/2000	John Hancock	Manager
05/1994	02/1995	Unemployed	-

### EDUCATION

<u>Start Date</u>	<u>End Date</u>	<u>School</u>	<u>Degree</u>
09/1990	05/1994	Skidmore College	BA

### TRAINING

<u>Completed</u>	<u>Description</u>	<u>Details</u>	<u>Firm/School</u>	<u>Hours</u>	<u>Location</u>
09/2009	Expungement - 2008 Refresher	Read FAQ	FINRA	1	
01/2008	Revised Code of Arbitration		FINRA	2	online
08/2004	Expungement online mini-course		NASD	1.5	online
03/2004	New Panel Member Training [NASD]		NASD	11	Newark, NJ

### DISCLOSURE/CONFLICT INFORMATION

<u>Type</u>	<u>Firm Name</u>	<u>Details</u>
Has an account with	Bank of America	
Has made a disclosure about	Bank of America	Acquired Quick and Reilly, Inc.
Family Member has relationship with	Citigroup Global Markets, Inc.	Brother-in-law employed
Has an account with	Citigroup Global Markets, Inc.	Smith Barney
Had an account with	Charles Schwab & Co., Inc.	

Was employed by	John Hancock	
Had an account with	Quick and Reilly, Inc.	
Had an account with	Southwest Securities	Closed in 1998
Licensed to Practice		Life, accident and health in all fifty states
Held Securities License(s)		Series 6, 7, 24, 26, 63 & 65

### PUBLICLY AVAILABLE AWARDS

Publicly Available Awards Section, Current as of 01/20/2010

<u>Case ID</u>	<u>Case Name</u>	<u>Close Date</u>
03-08740	Gaetano J. Aglione, Beverly Aglione, Gaetano J. Aglione IRA, et al v. American Express Financial Advisors, Inc.	11/30/2004

### ARBITRATOR BACKGROUND INFORMATION

I am presently an Instructor with Kaplan Professional and a freelance writer in Brooklyn, NY.

From 2000 to 2003, I served as a Director and Officer of the Worldinsure Corporation. My responsibilities included hiring operational staff, attaining nationwide insurance licensing in the United States and Canada, and supporting our sales efforts. During my tenure, I attained my Life, Accident and Health License in all fifty states.

From 1995 to 2000, I worked for John Hancock Signature Services. My responsibilities included managing their call center operations, the recording and execution of variable life and annuity fund transfers and working with other departments to ensure compliance with NASD, SEC and State audits. While at John Hancock I received my Series 6, 7, 24, 26, 63 & 65 licenses. Two years have elapsed since I worked for a broker dealer.

## Arbitrator Disclosure Report

Report reflects information provided by the arbitrator through 01/15/2010

### ARBITRATOR

**Name:** Mr. Edward G. Toptani      **Skills in Controversy:**  
**Arbitrator ID:** [REDACTED]      There are no skills in controversy information.  
**CRD #:**  
**City/State/Country:** New York / NY / United States  
**Classification:** Public      **Skills in Securities:**  
**FINRA Mediator:** No      There are no skills in security information.  
**Chair Status:** Qualified

**Injunctive Qualified** - This arbitrator is an attorney and has reported experience litigating cases involving injunctive relief.

### EMPLOYMENT

<u>Start Date</u>	<u>End Date</u>	<u>Firm</u>	<u>Position</u>
07/1991	Present	Toptani Law Offices	Founder/Attorney
10/1987	06/1991	Shearman & Sterling	Associate
06/1986	08/1986	Shearman & Sterling	Summer Associate
06/1985	08/1985	Mckenna, Conner & Cuneo	Summer Associate
08/1983	05/1984	Congressman Robert Torricelli	Legislative Assistant
05/1983	07/1983	World Bank	Research Assistant
05/1983	07/1983	Youth Policy Magazine	Editor in Chief
06/1982	08/1982	Alliance for Justice	Intern

### EDUCATION

<u>Start Date</u>	<u>End Date</u>	<u>School</u>	<u>Degree</u>
01/1984	01/1987	University of Michigan	JD
01/1979	01/1983	University of Michigan	AB

### TRAINING

<u>Completed</u>	<u>Description</u>	<u>Details</u>	<u>Firm/School</u>	<u>Hours</u>	<u>Location</u>
09/2009	Expungement - 2008 Refresher	Read FAQ	FINRA	1	
02/2009	Revised Code of Arbitration		FINRA	2	online
02/2005	Expungement online mini-course		NASD	1.5	online
03/1999	New Chairperson Training [NASD]		NASD	11	location varies
01/1994	Intro Securities Arbitrator Training		NASD	4	New York, NY
11/1993	Participatory Arbitrator Skills Program	Tools of the Arbitration Process	NASD	2	New York, NY

**DISCLOSURE/CONFLICT INFORMATION**

<u>Type</u>	<u>Firm Name</u>	<u>Details</u>
Initiated/defended legal action against	Goldman Sachs & Co.	
Initiated/defended legal action against	The Goldman Sachs Group, Inc.	
Has an account with	Trade-Well Discount Investing, LLC	Tradewell Discount Brokers
Had an account with	Merrill Lynch Pierce Fenner & Smith	
Is a member of	New Media Association	New York
Is a Member of Bar Association		American Bar Association
Is a Member of Bar Association		New York
Initiated/defended legal action against		Stuart Coleman & Co.

**PUBLICLY AVAILABLE AWARDS**

Publicly Available Awards Section, Current as of 01/20/2010

<u>Case ID</u>	<u>Case Name</u>	<u>Close Date</u>
07-00945	Leslie Cox-Colon v. Citigroup Global Markets Inc. f/k/a Solo mon Smith Barney, Inc. and Loretta Chiofalo	10/15/2009
09-00367	Alan Gelband & Co. Defined Contribution Pension Plan & Trust vs. TD Ameritrade, Inc.	07/08/2009
07-02940	Don Chaifetz v. E*Trade Securities LLC	07/25/2008
03-00537	Lake Company LLC and Riverview Company LLC vs. James J. McLaughlin and McLaughlin, Piven, Vogel Securities, Inc.	03/02/2007
04-08636	Roslyn Berger v. Salomon Smith Barney, Inc.	06/14/2006
03-07032	James C. Dooley v. Citigroup Global Markets, Inc. f/k/a Salomon Smith Barney, Inc.	06/01/2005
02-00661	Fahnestock & Co., Inc., v. Sands Brothers & Co., Ltd, Dan Maurer, Brian Bartlett, Eric Cardenas, et al.	02/17/2005
03-09242	Steven and Beth Price vs. American Express Financial Advisors, Inc. and William Tassey	02/14/2005
03-06742	Eric Raphael vs. Robert Morris and James Kessler	07/12/2004
03-02447	Jerome and Laura Goldberg vs First Union Securities, Inc. and James D. Routhier	06/29/2004
01-03483	Andreas Wiener, Sue Klavans Simring and Steven S. Simring vs Paul Croitoroo and Bear, Sterns & Co., Inc.	02/24/2003
02-02101	Larry Shiller v. TD Waterhouse Investor Services, Inc.	09/05/2002
00-01646	Imaginative Business & Marketing Ltd. v. Laidlaw Global Securities, Inc., et al	08/14/2001
98-03690	Susan B. Georges vs. CIBC Oppenheimer Corp. and Richard B. Fee	12/12/2000
00-00837	Napoleon Georgatos v. New Times Securities Services Inc., Michael Silk	11/14/2000
99-03919	Fred Olinsky and Beatrice Olinsky v. Neil Okun and Gruntal & Co., Inc.	10/18/2000
98-04417	Janet Pasquale vs. Harvey Block, Oppenheimer & Co. Inc., Carrie Cimino and Alden Capital	10/10/2000
93-05302	Seymour Sobel, Robert Chaut, Jay and Barbara Stein vs. Smith Barney, Harris Upham & Co.	08/07/1996
93-03101	Dr. Carl Pagano, TTEE/PSRP vs. Melbourne GSI Corp. and Joel Heusler	12/14/1994
92-02331	Sidney W. Barbanel v. Napex Financial Corp. v. FSC Securities Corporation	03/03/1994

**ARBITRATOR BACKGROUND INFORMATION**

Since 1991, I have practiced law in a small boutique law firm setting. My practice is small but quite diversified, including corporate, entertainment and commercial matters (litigation and non-litigation). Accordingly, one day I may find myself in federal court litigating trademark issues, and the next I may draft a private placement memorandum or meeting with clients concerning the launching of a new cosmetics line.

From 1987 to 1991, I worked for Shearman & Sterling, in NYC, as a corporate associate. My duties included transactional support on a number of large and sophisticated domestic and international matters, including secured bank financings, corporate reorganizations and work-outs, privately negotiated mergers and acquisitions and cross-border commercial leveraged leases. I also worked on a number of pro-bono matters. After college and prior to law school, I served in a number of public interest capacities in Washington, D.C. I assisted a World Bank economist with an international price study; I supervised a staff of approximately 10 reporters and authored articles for Youth Policy Magazine, a journal founded by the Robert F. Kennedy Memorial and dedicated to issues affecting America's youth; and I advised Congressman Robert Torricelli (now Senator) on a number of legislative issues, primarily in the areas of foreign affairs and science and technology. During college I was an intern at the Alliance for Justice, a coalition of public interest law organizations. I also co-authored an article on concerning public agency non-compliance with the Administrative Procedure Act. My professional activities include membership in the American Bar Association and the NY State Bar Association.

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## Arbitrator Disclosure Report

Report reflects information provided by the arbitrator through 01/15/2010

### ARBITRATOR

<b>Name:</b>	Mr. Mark A. Egert	<b>Skills in Controversy:</b>	Employment - Breach of Contract, Employment - Compensation, Employment - Employment Discrimination, Employment - Wrongful Termination, Other - Underwriting, Trading Disputes - Buy In, Trading Disputes - Sell Outs
<b>Arbitrator ID:</b>	[REDACTED]	<b>Skills in Securities:</b>	Repurchase Agreements
<b>CRD #:</b>	[REDACTED]		
<b>City/State/Country:</b>	New York / NY / United States		
<b>Classification:</b>	Non-public		
<b>FINRA Mediator:</b>	No		
<b>Chair Status:</b>	None		

### EMPLOYMENT

<u>Start Date</u>	<u>End Date</u>	<u>Firm</u>	<u>Position</u>
01/2005	Present	Cowen & Company, LLC	Chief Compliance Officer
07/2003	01/2005	RBC Capital Markets Corporation	Legal & Compliance Director
09/1997	03/2003	ABN AMRO, Incorporated	Chief Legal Officer
01/1995	09/1997	Securities Industry Association	VP/Associate General Counsel
03/1992	01/1995	Kavanagh Peters Powell & Osnato	Associate
10/1987	03/1992	Shearman & Sterling	Associate

### EDUCATION

<u>Start Date</u>	<u>End Date</u>	<u>School</u>	<u>Degree</u>
01/1984	01/1987	George Washington University Law School	JD
01/1980	01/1984	University of Delaware	BA

### TRAINING

<u>Completed</u>	<u>Description</u>	<u>Details</u>	<u>Firm/School</u>	<u>Hours</u>	<u>Location</u>
05/2009	Expungement - 2008 Refresher		FINRA	1	
12/2008	Revised Code of Arbitration		FINRA	2	online
10/2004	Expungement online mini-course		NASD	1.5	online
06/2000	New Panel Member Training [NASD]		NASD	11	New York, NY

### DISCLOSURE/CONFLICT INFORMATION

<u>Type</u>	<u>Firm Name</u>	<u>Details</u>
Has an account with	Merrill Lynch Pierce Fenner & Smith	
Had an account with	ABN AMRO, Inc.	
Was employed by	ABN AMRO, Inc.	

Had an account with	Bluestone Capital Corp.	Whale Securities
Had an account with	CIBC World Markets Corp.	Oppenheimer
Has made a disclosure about	CRT Financial Group, Inc.	(Past)
Is employed by	Cowen and Company, LLC	
Was a Client	DLA Piper Rudnick Gray Cary US LLP	
Had an account with	Fidelity Investments Institutional Services	
Had an account with	J.P.R. Capital Corp.	
Was employed by	RBC Capital Markets Corporation	
Had an account with	RBC Dain Rauscher Inc.	
Was a member of	SIA	
Is a member of	SIFMA	
Is a member of	The Bond Market Association	
Has made a disclosure about		Served on various Securities Ind. Committees

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### PUBLICLY AVAILABLE AWARDS

Publicly Available Awards Section, Current as of 01/20/2010

<u>Case ID</u>	<u>Case Name</u>	<u>Close Date</u>
07-03282	Joseph Stevens & Company, Inc. vs. Joseph Blocken, Cleon R. Cato, Rennatto A. Comejo, Mark Dalcollo, et al.	03/03/2009
06-01355	Wachovia Securities Financial Network, LLC v. Mark Goldberg	02/23/2007
04-02958	Robert Bruce Harris vs. Michael Joseph Pierce III	01/19/2005
01-02336	Tina Daniels vs. Weatherly Securities Corp., and Jason Gross	10/23/2002

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### ARBITRATOR BACKGROUND INFORMATION

I am currently employed by Cowen and Company, LLC., and serve as Chief Compliance Officer. My title is Managing Director. I am a member of the Office of the Chief Executive and a number of other management committees.

Since I began my legal career in 1987, I have worked at two law firms, one trade association and three brokerage firms and banks. The focus of my practice has been on securities rules and regulations, as well as general corporate and transactional matters.

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"Based on information made available to FINRA, the arbitrator (i) is an employee of a firm that, at any point since January 1, 2005, sold auction rate securities, or (ii) was an employee of such a firm at any time after January 1, 2005."

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## Arbitrator Disclosure Report

Report reflects information provided by the arbitrator through 01/15/2010

### ARBITRATOR

**Name:** Mr. James I. Berliner  
**Arbitrator ID:** [REDACTED]  
**CRD #:**  
**City/State/Country:** Larchmont / NY / United States  
**Classification:** Non-public  
**FINRA Mediator:** No  
**Chair Status:** None

**Skills in Controversy:**  
 There are no skills in controversy information.

**Skills in Securities:**  
 There are no skills in security information.

### EMPLOYMENT

<u>Start Date</u>	<u>End Date</u>	<u>Firm</u>	<u>Position</u>
01/2006	Present	Corporate Angel Network	Scheduler
09/2005	Present	March of Dimes Foundation	Volunteer Leadership
01/1994	12/2005	International Executive Services Corp.	Executive Recruiter
10/1965	03/1994	JP Morgan Guaranty Trust Company	Managing Director
12/1963	10/1965	American Union Transport	Foreign Commercial Paper Trade
06/1951	12/1963	International General Electric Company	Accounting

### EDUCATION

<u>Start Date</u>	<u>End Date</u>	<u>School</u>	<u>Degree</u>
09/1947	06/1951	Oberlin College	BA Economics

### TRAINING

<u>Completed</u>	<u>Description</u>	<u>Details</u>	<u>Firm/School</u>	<u>Hours</u>	<u>Location</u>
01/2009	Expungement - 2008 Refresher		FINRA	1	
06/2008	Online Basic Panel Training		FINRA	11	online
06/2008	Expungement online mini-course		FINRA	1.5	online
05/2005	Additional Securities Training	Introduction and Workshop Topics	NYSE	2	

### DISCLOSURE/CONFLICT INFORMATION

<u>Type</u>	<u>Firm Name</u>	<u>Details</u>
Family Member has relationship with	Burnham Securities	Spouse has account
Has an account with	Burnham Securities	
Family Member has relationship with	Vanguard Group	Spouse has account

Has an account with	Vanguard Group	
Has made a disclosure about	JP Morgan & Co.	Receives pension and retiree healthcare
Family member had relationship with	Smith Barney	Spouse had account
Had an account with	Smith Barney	
Family member had relationship with	UBS	Spouse had account
Had an account with	UBS	

### PUBLICLY AVAILABLE AWARDS

Publicly Available Awards Section, Current as of 01/20/2010

<u>Case ID</u>	<u>Case Name</u>	<u>Close Date</u>
There is no award information.		

### ARBITRATOR BACKGROUND INFORMATION

Starting in 2005, I began a two day a week volunteer position with the National Headquarters of the March of Dimes. My position is in the Volunteer Leadership Department which strives to improve the quality and retention of volunteers for the March of Dimes nationwide. From 1994 until 2005, I worked for about three days each week for a not-for-profit organization, the International Executive Service Corps. My job, a volunteer position, was to recruit businessmen and professionals, mostly retired, to assist organizations in developing nations. The program was financed principally by the United States Agency for International Development. I found that this work sharpened my skills in judging the suitability of candidates to undertake assignments abroad often under difficult conditions. I left the organization in 2005 when the function I was performing was moved to Washington, D.C. I spent 29 years, until I retired in 1994, with Morgan Guaranty Trust Company, a subsidiary of J. P. Morgan and Co. During my entire career with Morgan, I was assigned to the commercial banking side of the Company. Initially I was in the Commodity Finance group which provided secured financing to commodity importers and exporters of foods and fibers. From there I was assigned to the Petroleum Department which handled banking relationships with oil companies. In 1978 I supervised five professionals as head of the newly established Project Finance Department. This group was charged with the responsibility of soliciting and structuring complicated financing of development projects worldwide. The basis of this financing was analyzing the risk of the project to generate sufficient cash flow to repay creditors. From 1982 until 1985, I headed the Natural Resources Group in the Bank's London Office supervising fifteen professionals. My final assignment, before my retirement, was Senior Credit Officer for the Bank's North American banking business. My responsibilities included approving large exposures to clients arising out of loans, commitments, lines of credit, interest rate and currency swaps, etc. Before joining Morgan, I worked for American Union Transport, a privately owned shipping company which had a small finance group. The finance group marketed high risk commercial paper issued by organizations in developing countries. For twelve years after being graduated from college I was employed by the international division of General Electric Company in a variety of accounting and equipment sales finance positions.

In addition to having served as an arbitrator at the NYSE, my experience as a senior credit officer at Morgan Guaranty Trust Co. required me to make judgments based upon the presentation of facts, data, and other information. My decisions not only needed to balance issues such as risk/reward but to probe the presenters on the facts and analysis they used in making their cases. It was always necessary to be completely unbiased in making judgments because the decisions had a major monetary impact on the Bank's results.

On July 23, 2008 the Arbitrator responded to a FINRA survey about auction rate securities. In the response, the Arbitrator disclosed that since January 1, 2005, the Arbitrator has not been employed by or associated with a brokerage firm.

**Arbitrator Disclosure Report**

Report reflects information provided by the arbitrator through 01/15/2010

**ARBITRATOR**

**Name:** Mr. Brian J. Neville  
**Arbitrator ID:** [REDACTED]  
**CRD #:** 2463115  
**City/State/Country:** New York / NY / United States  
**Classification:** Non-public  
**FINRA Mediator:** No  
**Chair Status:** Qualified

**Skills in Controversy:**  
There are no skills in controversy information.

**Skills in Securities:**  
There are no skills in security information.

**EMPLOYMENT**

<u>Start Date</u>	<u>End Date</u>	<u>Firm</u>	<u>Position</u>
11/2007	Present	Lax & Neville, LLC	Partner
01/2002	10/2007	Law Offices of Brian J. Neville	Owner
05/2000	12/2001	Kogan Taubman & Neville, LLC	Partner
01/1996	05/2000	Josephthal & Co.	Associate General Counsel
02/1994	01/1996	Prudential Securities, Inc.	Attorney
08/1993	02/1994	Sangerman & Associates	Associate Attorney

**EDUCATION**

<u>Start Date</u>	<u>End Date</u>	<u>School</u>	<u>Degree</u>
01/1990	01/1993	New York Law School	JD
01/1986	01/1990	University of Scranton	BS Accounting

**TRAINING**

<u>Completed</u>	<u>Description</u>	<u>Details</u>	<u>Firm/School</u>	<u>Hours</u>	<u>Location</u>
06/2008	Revised Code of Arbitration		FINRA	2	online
11/2007	Additional Securities Training	Securities Arbitration & Mediation	NYSBA		New York
10/2004	Expungement online mini-course		NASD	1.5	online
07/2004	New Chairperson Training [NASD]		NASD	11	online
07/2004	Duty to Disclose online mini-course		NASD	1	online
03/2000	Expungement - 2008 Refresher		FINRA	1	
02/2000	New Chairperson Training [NASD]		NASD	11	New York, NY
12/1999	New Panel Member Training [NASD]		NASD	11	New York, NY

**DISCLOSURE/CONFLICT INFORMATION**

<u>Type</u>	<u>Firm Name</u>	<u>Details</u>
Initiated/defended legal action against	Advest, Inc.	Customer cases
Initiated/defended legal action against	Charles Schwab	
Initiated/defended legal action against	Citigroup Global Markets, Inc.	Customer cases against Salomon Smith Barney
Is a Client	E*Trade Financial Securities	
Is a Client	Fahnestock International Inc.	Representation
Initiated/defended legal action against	Fidelity Brokerage Services LLC	
Is a Client	First Republic Group, LLC	
Initiated/defended legal action against	First Union Securities, Inc.	
Initiated/defended legal action against	Janney Montgomery Scott LLC	Customer cases
Was employed by	Josephthal & Co., Inc.	
Initiated/defended legal action against	Kirlin Securities	
Initiated/defended legal action against	Marquis Financial Services, Inc.	
Initiated/defended legal action against	McMahon Securities, Co.	
Is a Client	Melhado, Flynn & Associates	
Initiated/defended legal action against	Merrill Lynch Pierce Fenner & Smith	Customer cases
Initiated/defended legal action against	Morgan Stanley & Co., Incorporated	Customer cases
Family Member has relationship with	Morgan Stanley DW, Inc.	Brother employed
Initiated/defended legal action against	Prime Charter Ltd., Inc.	Customer cases
Was employed by	Prudential Equity Group, LLC	Prudential Securities
Initiated/defended legal action against	RBC Dain Rauscher Inc.	
Initiated/defended legal action against	Summit Equation	
Initiated/defended legal action against	UBS Financial Services Inc.	
Initiated/defended legal action against	Wachovia Securities, LLC	
I have a client of	Wall Street Access Corp.	
Initiated/defended legal action against	Baric Inventor	
Initiated/defended legal action against	Bear Stearns & Co., Inc.	1/96 - 2000
Is a Client	Broadwall Capital, LLC	

Initiated/defended legal action against	CSFB	
Initiated/defended legal action against	Clearing Services of America	
Initiated/defended legal action against	Dupont Securities	
Initiated/defended legal action against	Ernast Investors	
I have a client of	First Allied Securities	1/96-Present
Initiated/defended legal action against	First Colonial Securities Group	
Initiated/defended legal action against	First Montauk Securities	
Initiated/defended legal action against	Linsco Private Ledger	
Initiated/defended legal action against	Millennium Securities	
I have a client of	Park Financial Securities	
Initiated/defended legal action against	RD White	
Initiated/defended legal action against	Royal Alliance	
Was a member of	SIA	Compliance & Legal Division
Initiated/defended legal action against	SW Bach	
I have a client of	Saxorry Securities	
I have a client of	Sperreir Track Securities	
I have a client of	Strausberger, Pearson, Tulcin & Wolff	
I have a client of	V Finance Securities	
Family member had relationship with	WMA Securities	Brother was employed
I have a client of	Westminster Securities Corp	
I have a client of	Wolverine Trading	Representation
Is a Member of Bar Association		New Jersey
Is a Member of Bar Association		New York
Initiated/defended legal action against		Todd Eberhard

### PUBLICLY AVAILABLE AWARDS

Publicly Available Awards Section, Current as of 01/20/2010

<u>Case ID</u>	<u>Case Name</u>	<u>Close Date</u>
08-01148	Gisela Selo vs. Robert R. Meredith & Co., Inc.	03/26/2009
07-01786	Clark Dodge & Co., Inc. v. Martin Rybak	12/12/2007
05-06403	Brian Langenberg v. Soleil Securities Corporation	06/22/2007
05-06317	Michael Picozzi v. Lehman Brothers, Inc., and William Philip Walsh	06/04/2007

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### ARBITRATOR BACKGROUND INFORMATION

After graduating law school, I worked briefly for a small law firm specializing in elder law. In February of 1994, I joined the Prudential Securities Inc. Legal Department working on the Limited Partnership Settlement Fund, where I represented Prudential in dozens of expedited arbitrations and also settled approximately a hundred claims. In January of 1996, I left Prudential and joined the legal department of Josephthal Lyon & Ross Inc. (Josephthal & Co., Inc). I have represented Josephthal at numerous NASD and NYSE arbitrations including customer sales practice cases and former employee claims including wrongful termination, defamation and Title VII claims. I have occasionally represented Josephthal in cases against former brokers. Additionally, I have represented brokers at NYSE and NASD enforcement actions.

In May 2000, I left Josephthal to join the newly named law firm of Kogan Taubman & Neville, LLC. Starting January 2002 I left this firm and am operating as a solo practitioner. I am a full service law firm specializing in securities related issues. I represent issuers, investors and members of the brokerage and investment banking community.

I am currently employed with the firm of Lax & Neville, LLP.

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On September 12, 2008, the Arbitrator responded to a FINRA survey about auction rate securities. In the response, the Arbitrator disclosed that since January 1, 2005, the Arbitrator has not been employed by or associated with a brokerage firm.

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## Arbitrator Disclosure Report

Report reflects information provided by the arbitrator through 01/15/2010

### ARBITRATOR

<b>Name:</b>	Mr. Andrew Joseph Donovan	<b>Skills in Controversy:</b>	Account Related - Dividends, Account Related - Transfer
<b>Arbitrator ID:</b>	[REDACTED]		
<b>CRD #:</b>	1291765		
<b>City/State/Country:</b>	Mohegan Lake / NY / United States		
<b>Classification:</b>	Non-public	<b>Skills in Securities:</b>	Annuities, Corporate Bonds, Government Securities, Mutual Funds, Municipal Bonds, Municipal Bond Funds, Preferred Stock
<b>FINRA Mediator:</b>	No		
<b>Chair Status:</b>	None		

### EMPLOYMENT

<u>Start Date</u>	<u>End Date</u>	<u>Firm</u>	<u>Position</u>
01/2001	Present	LPL Financial	Registered Representative
01/2001	Present	Self-Employed	Financial Consultant
08/1996	01/2001	Chase Investment Services	Financial Consultant
05/1996	08/1996	Advantage Capital	Registered Representative
01/1994	12/1997	Westchester County	County Legislator
10/1993	08/1996	US Merchant Marine Acad.	Director of Development
01/1990	12/1993	Town of Yorktown	NY Councilman
07/1989	10/1993	NY Medical College	Director of Development
04/1988	07/1989	Kidder Peabody	Financial Consultant
07/1984	04/1988	Merrill Lynch	Financial Consultant
01/1980	06/1984	US Navy	Damage Control Officer
07/1978	10/1979	Merrill Lynch	Operations Manager

### EDUCATION

<u>Start Date</u>	<u>End Date</u>	<u>School</u>	<u>Degree</u>
12/1994	03/1996	College of Financial Planning	CFP
07/1974	02/1983	Fordham University	PhD
09/1970	06/1974	Fordham University	BA

### TRAINING

<u>Completed</u>	<u>Description</u>	<u>Details</u>	<u>Firm/School</u>	<u>Hours</u>	<u>Location</u>
03/2009	Motion to Dismiss Training	Completed FAQ	FINRA	1	
01/2009	Expungement - 2008 Refresher	Completed FAQ	FINRA	1	
12/2008	Onsite Basic Panel Training		FINRA	4	Newark, NJ

12/2008	Expungement online mini-course	FINRA	1.5	online
11/2008	Online Basic Panel Training	FINRA	11	online

### DISCLOSURE/CONFLICT INFORMATION

<u>Type</u>	<u>Firm Name</u>	<u>Details</u>
Has an account with	LPL Financial	IRA
I am a client of	LPL Financial	
Is a member of	Boy Scout	Leader
Had an account with	Chase Investment Services	IRA
I was a client of	Chase Investment Services	
Received Honors	HB Earhart Foundation	Fellow Shipe
Had an account with	Merrill Lynch	Brokerage/IRA
I was a client of	Merrill Lynch	
Was a member of	New York State 4-H Foundation	Chairman
Was a member of	Town of Yorktown	Elected Councilman
Was a member of	Yorktown Chamber of Commerce	Former Director
Has published		"Fund Raising Management"
Has published		"Planned Giving Today"
Lectured on		Fund Raising Program/Creation & Mgmt.
Lectured on		Planned Giving
Holds Securities License(s)		Series 7, 24, 63, and 65

### PUBLICLY AVAILABLE AWARDS

Publicly Available Awards Section, Current as of 01/20/2010

<u>Case ID</u>	<u>Case Name</u>	<u>Close Date</u>
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There is no award information.

### ARBITRATOR BACKGROUND INFORMATION

Andrew Donovan was born in New York City where he attended local schools. He graduated from Fordham University where he received his BA degree. He was awarded a Fellowship by the H.B. Earhart Foundation. He taught American Government at Fordham University from 1976 to 1978. He received his Ph.D. from Fordham University in 1983.

In 1978 Mr. Donovan joined Merrill Lynch, Pierce, Fenner and Smith, Inc. in New York. He was appointed Operations Manager for the New York Commodity Sales Office. In 1980, Mr. Donovan took leave from Merrill Lynch and was commissioned an officer in the United States Navy. During his four and a half years on active duty, he served as Damage Control Officer aboard and, ammunition ship and as Navigator aboard the guided missile cruiser, USS Josephus Daniels. After his discharge from active duty in 1984, he remained in the Naval Reserve. He is a graduate of the United States Naval War College. He retired in 2000 with the rank of Lieutenant Commander.

Mr. Donovan returned to Merrill Lynch, Pierce, Fenner and Smith in 1984 as a Financial Consultant advising individuals and businesses on investments, insurance and retirement plans. He was later employed by Kidder Peabody and Company as a Financial Consultant and by both New York Medical College and the United States Merchant Marine Academy as Director of Development. Mr. Donovan was a Certified Fund Raising Executive (CFRE) specializing in planned giving. His articles have been published in "Planned Giving Today" and "Fund Raising Management." He has presented seminars on planned giving,

and fund raising program creation and management.

In 1989, Mr. Donovan was elected Councilman in the Town of Yorktown. In 1993 he was elected Westchester County Legislator. He was re-elected in 1995. He did not seek re-election at the expiration of his term. During this time he also served as Chairman of the New York State 4-H Foundation. He is also a former Director of the Yorktown Chamber of Commerce. Today he serves as a Boy Scout leader.

In 1996, Mr. Donovan joined Chase Investment Services as a Financial Consultant in the Yorktown Peekskill area. Mr. Donovan joined the national independent brokerage firm of LPL Financial in 2001. As an independent financial representative, his business operates under the name of Donovan Financial. As a Certified Financial Planner professional, securities and insurance are offered through LPL Financial which is a member of the FINRA and SIPC.

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On October 7, 2008, the arbitrator responded to a FINRA survey about auction rate securities. In the response, the arbitrator disclosed that since January 1, 2005, the arbitrator had been employed by or associated with a brokerage firm that sold auction rate securities.

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## Arbitrator Disclosure Report

Report reflects information provided by the arbitrator through 01/15/2010

### ARBITRATOR

<b>Name:</b>	Mr. Antonio Concepcion	<b>Skills in Controversy:</b>	Account Related - Dividends, Executions - Execution Price, Executions - Limit v. Market Order, Trading Disputes - Buy In, Trading Disputes - Mark-ups, Trading Disputes - Sell Outs
<b>Arbitrator ID:</b>	[REDACTED]	<b>Skills in Securities:</b>	Common Stock, Corporate Bonds, Mutual Funds, Preferred Stock, DO NOT USE, Warrants/Rights
<b>CRD #:</b>	[REDACTED]		
<b>City/State/Country:</b>	Hightstown / NJ / United States		
<b>Classification:</b>	Non-public		
<b>FINRA Mediator:</b>	No		
<b>Chair Status:</b>	None		

### EMPLOYMENT

<u>Start Date</u>	<u>End Date</u>	<u>Firm</u>	<u>Position</u>
08/2001	Present	Retired	not provided
01/1996	08/2001	Hill, Thompson, Magid, L.P.	Senior Foreign Trader
10/1994	12/1995	Wood Gundy Corporation	Order Clerk
05/1994	08/1994	Ernst & Company	Trader OTC
07/1992	04/1994	Carr Securities Corporation	Trader OTC
08/1987	01/1992	Adler Coleman & Company	Trader
02/1965	08/1987	Carl Marks & Company	Trader
01/1964	02/1965	E.F. Hutton & Company	Order Clerk
06/1963	01/1964	Ira Haupt & Company	Teletype
05/1959	06/1963	Model Roland & Stone	Cable Clerk
01/1959	01/1969	U.S. Army Reserve	Staff Sargent
07/1953	04/1959	H. Hentz & Company	Cable Clerk

### EDUCATION

<u>Start Date</u>	<u>End Date</u>	<u>School</u>	<u>Degree</u>
06/1958	05/1959	New York Institute of Finance	not provided
01/1949	01/1953	Erasmus Hall High School	Diploma

### TRAINING

<u>Completed</u>	<u>Description</u>	<u>Details</u>	<u>Firm/School</u>	<u>Hours</u>	<u>Location</u>
04/2009	Motion to Dismiss Training		FINRA		
12/2008	Expungement - 2008 Refresher		FINRA	1	
03/2007	Revised Code of Arbitration		NASD	2	online
10/2004	Expungement online mini-course		NASD	1.5	online

**DISCLOSURE/CONFLICT INFORMATION**

<u>Type</u>	<u>Firm Name</u>	<u>Details</u>
Has made a disclosure about	Citigroup Global Markets, Inc.	As a trader:had traded occasionally w/Smith Barney
Has an account with	Scottrade	
Was employed by	Adler Coleman & Co.	
Was employed by	Carl L. Marks & Co.	
Was employed by	Carr Securities Corp.	
Was employed by	E.F. Hutton & Co.	
Was employed by	Ernst & Co.	
Was employed by	H. Hentz & Co.	
Had an account with	Hill Thompson Magid & Co., Inc.	
Was employed by	Hill, Thompson, Magid	
Was employed by	Ira Haupt & Co.	
Was employed by	Model, Roland & Stone	
Was a member of	Preferred Traders Association	
Was employed by	Wood Gundy Corp.	
Is a member of		STANY
Holds Securities License(s)		Series 7 and 55 (held)
Languages other than English		Spanish

**PUBLICLY AVAILABLE AWARDS**

Publicly Available Awards Section, Current as of 01/20/2010

<u>Case ID</u>	<u>Case Name</u>	<u>Close Date</u>
06-05327	Cosme Monot vs. LinkBrokers Derivatives Corporation Inc.	02/02/2009
04-06540	Joseph Parella, Angelina Parella, et al vs. Milton Koenigsberg and Northeast Securities Incorporated	06/06/2006

**ARBITRATOR BACKGROUND INFORMATION**

My career in the securities industry began in 1953. My responsibilities during these years grew from an entry level position in the Foreign Department of the prestigious firm of H. Hentz & Co., for whom I worked six years, to my most recent employment with Hill, Thompson, Magid, L.C., as Senior Foreign Trader. At this firm, it was my responsibility to start a viable Foreign Trading Desk and trade, along with aiding in the development and listing in the U.S.A., of previously foreign only traded issues. I also acted as consultant to this firm on these issues.

I began trading in the 1960's, with the firm of Carl Marks and Company Inc. While employed there for twenty-two years, I traded foreign securities, third market listed securities, bonds, preferred, and many esoteric issues. Added to my duties here, was Public Relations, for which I traveled to Europe and throughout the country for about 30 years. I have been registered with the NYSE, PCSE, NASD, and have been a member of STANY, holding several appointed positions with them over the years. I have also been a member of the Preferred Traders Association.

My military service was with the U.S. Army Reserve, as a Staff Sergeant, serving from 1959 until 1969, where I was the

Communications Chief of H.Q. Battery, supervising more than fifty men. I was recalled to active duty during the Berlin Crisis and Cuban Missile Crisis, and received an honorable discharge in 1969

Previously, I held a Series 7 and 55 licenses. I have taught Securities Courses at the local school for Community Education for fifteen years, and presently work with the Literacy Volunteers of America (LVOA), where I have been certified for teaching Basic Literacy and ESL (English as a Second Language), which I find very rewarding. I graduated from Erasmus Hall High School in 1953, with an Academic Diploma, and have also attended the New York Institute of Finance, where I studied and passed courses in Brokerage Procedure, work of the New York Stock Exchange, Options, Accounting Principles and Security Analysis.

On August 6, 2008, the Arbitrator responded to a FINRA survey about auction rate securities. In the response, the Arbitrator disclosed that since January 1, 2005, the Arbitrator has not been employed by or associated with a brokerage firm.

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## Arbitrator Disclosure Report

Report reflects information provided by the arbitrator through 01/15/2010

### ARBITRATOR

**Name:** Mr. R. Scott Garley  
**Arbitrator ID:** [REDACTED]  
**CRD #:** [REDACTED]  
**City/State/Country:** New York / NY / United States

**Skills in Controversy:**

Account Related - Margin Calls, Account Related - Transfer, Executions - Execution Price, Employment - Breach of Contract, Employment - Commissions, Employment - Compensation, Employment - Employment Discrimination, Employment - Libel or Slander, Employment - Partnerships, Employment - Promissory Notes, Employment - Wrongful Termination, Other - Clearing Disputes, Other - Recruitment Disputes, Trading Disputes - Other Floor Trading

**Classification:** Non-public  
**FINRA Mediator:** No  
**Chair Status:** None

**Skills in Securities:**

Common Stock, Corporate Bonds, Limited Partnerships, Mutual Funds, Options, Repurchase Agreements

### EMPLOYMENT

<u>Start Date</u>	<u>End Date</u>	<u>Firm</u>	<u>Position</u>
08/1998	Present	Gibbons Del Deo Dolan Griffinger, et al	Partner
06/1994	07/1998	Grais & Phillips	Partner
01/1994	05/1994	R. Scott Garley	Sole Practitioner
08/1992	12/1993	Daley & Garley	Partner
03/1984	07/1992	Seward & Kissel	Associate
09/1981	03/1984	Haight, Gardner, Poor & Havens	Associate

### EDUCATION

<u>Start Date</u>	<u>End Date</u>	<u>School</u>	<u>Degree</u>
09/1978	05/1981	Fordham Law School	JD
09/1974	05/1978	Colgate University	AB

### TRAINING

<u>Completed</u>	<u>Description</u>	<u>Details</u>	<u>Firm/School</u>	<u>Hours</u>	<u>Location</u>
02/2008	Revised Code of Arbitration		FINRA	2	online
12/2004	Expungement online mini-course		NASD	1.5	online
10/1999	New Chairperson Training [NASD]		NASD	11	New York, NY
12/1912	Intro Securities Arbitrator Training		NASD	7	

### DISCLOSURE/CONFLICT INFORMATION

<u>Type</u>	<u>Firm Name</u>	<u>Details</u>
My firm/employer had a client of	Advest, Inc.	Newark office represented firm

My firm/employer has a client of	Banc of America Securities	
Initiated/defended legal action against	Citigroup Global Markets, Inc.	Salomon Smith Barney Inc.
Has an account with	Fidelity Investments Institutional Services	
Is a Client	First Union Securities, Inc.	
Initiated/defended legal action against	Gruntal & Co., LLC	
Is a Client	Lehman Bros	
Is a Client	Lehman Brothers Inc	Lehman Bros, FISERV Sec. Inc., Nat'l Disco. Broker
Has made a disclosure about	Merrill Lynch Pierce Fenner & Smith	
Is a Client	Morgan Stanley DW Inc.	Morgan Stanley
Initiated/defended legal action against	Prudential Equity Group, LLC	Prudential Securities Inc
Is a Member of Bar Association	American Bar Association	
My firm/employer has a client of	Bank of America	
Is a Client	FISERV Securities	
Has made a disclosure about	Lehman Bros, Inc. Phoenix Brokerage, LLC	Attorney for
Is a member of	NY County Lawyer's Association	
Is a Client	National Discount Brokerage	
Was Arbitrator for	New York Stock Exchange	
Investor complaint/arbitration/suit	Salomon Smith Barney, Inc.	
Is a Client	TLW Securities, LLC	
Is a Member of Bar Association		Monmouth New Jersey
Is a Member of Bar Association		New York City
Arbitrator for		US District Court Eastern District of NY

### PUBLICLY AVAILABLE AWARDS

Publicly Available Awards Section, Current as of 01/20/2010

<u>Case ID</u>	<u>Case Name</u>	<u>Close Date</u>
06-01988	Stuart Lantz v. Lincoln Financial Advisors Corporation	03/03/2008
01-04644	Aaron N. Wise v. Chase Investment Services Corp.	03/06/2003
99-04170	Jesup Lamont Securities Corp. v. C. Arthur, LLC., CCF Captial Group, Inc., Arthur Wheeler, et al.	12/26/2000
97-05008	Joel L. Gold vs. LT Lawrence & Co., Inc.	02/09/1999

### ARBITRATOR BACKGROUND INFORMATION

My practice focuses primarily on litigation, arbitration, investigations and counseling in securities, employment, business tort (including fraud, unfair competition and civil RICO) and general commercial matters in New York and New Jersey.

I represent securities firms, institutional investors and individuals in connection with securities fraud claims, trading and customer disputes, and hedge fund and investment partnership disputes. This includes representing broker-dealers and

investment management firms and their employees in arbitrations of all kinds, regulatory and compliance matters, and disciplinary investigations and proceedings before NYSE, NASD, SEC and state securities agencies. I also represent firms and individuals in disputes involving employment contracts, executive compensation employee benefits, non-compete and other restrictive covenants, discrimination and employment-related torts.

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On September 18, 2008, the Arbitrator responded to a FINRA survey about auction rate securities. In the response, the Arbitrator disclosed that since January 1, 2005, the Arbitrator has not been employed by or associated with a brokerage firm.

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## Arbitrator Disclosure Report

Report reflects information provided by the arbitrator through 01/15/2010

### ARBITRATOR

<b>Name:</b>	Mr. Larry W. Befeler	<b>Skills in Controversy:</b>	There are no skills in controversy information.
<b>Arbitrator ID:</b>	[REDACTED]		
<b>CRD #:</b>	[REDACTED]		
<b>City/State/Country:</b>	Murray Hill / NJ / United States		
<b>Classification:</b>	Non-public	<b>Skills in Securities:</b>	There are no skills in security information.
<b>FINRA Mediator:</b>	No		
<b>Chair Status:</b>	None		

### EMPLOYMENT

<u>Start Date</u>	<u>End Date</u>	<u>Firm</u>	<u>Position</u>
07/2003	Present	National Financial	Director
07/2003	Present	Fidelity Investments	Director
06/2003	01/2005	Correspondent Services, Corp.	-
11/2000	06/2003	UBS PaineWebber (CSC)	Credit & Risk Manager
04/2000	10/2000	Trade.com Online Securities, Inc.	-
04/2000	11/2000	Bluestone Capital Partners, LP	Compliance Officer
03/1993	04/2000	Oppenheimer & Co., Inc. (CIBC)	Branch Compliance/Operations
05/1989	03/1993	Oppenheimer & Co., Inc.	Corr. Clearing Analyst
02/1988	05/1989	Shearson Lehman Hutton	Margin Clerk
02/1987	02/1988	Drexel Burnham Lambert	Margin Clerk
09/1986	02/1987	Bank of New York	GNMA Accountant

### EDUCATION

<u>Start Date</u>	<u>End Date</u>	<u>School</u>	<u>Degree</u>
09/1982	05/1986	University of New Hampshire	BA
09/1974	05/1982	Pingry High School	Diploma

### TRAINING

<u>Completed</u>	<u>Description</u>	<u>Details</u>	<u>Firm/School</u>	<u>Hours</u>	<u>Location</u>
03/2009	Motion to Dismiss Training		FINRA	1	
01/2009	Expungement - 2008 Refresher		FINRA	1	
03/2007	Revised Code of Arbitration		NASD	2	online
08/2004	Expungement online mini-course		NASD	1.5	online

08/2004	Duty to Disclose online mini-course	NASD	1	online
03/1996	Intro Securities Arbitrator Training	Introductory Arbitrator Training	6	San Francisco, CA

### DISCLOSURE/CONFLICT INFORMATION

<u>Type</u>	<u>Firm Name</u>	<u>Details</u>
Has made a disclosure about	J. C. Bradford & Co.	(Affiliated Co. w/UBS PaineWebber)
Is a Client	Prudential Securities	
Has an account with	Wachovia Securities, LLC	
Family member had relationship with	Bank of America Securities	Spouse was employed
Was employed by	Bluestone Capital Partners, LP	
Family member had relationship with	Cowen	Spouse was employed
Had an account with	First Union Bank	
Family member had relationship with	Montgomery	Spouse was employed
Family member had relationship with	Oppenheimer	Spouse was employed
Had an account with	Oppenheimer & Co	
Is a member of		SIA Compliance and Legal Division
Holds Securities License(s)		Series 3, 4, 7, 8, 14, 24, 63 and 65
Was employed by		UBS Paine Webber

### PUBLICLY AVAILABLE AWARDS

Publicly Available Awards Section, Current as of 01/20/2010

<u>Case ID</u>	<u>Case Name</u>	<u>Close Date</u>
05-05320	David W. Levy v. Citigroup Global Markets, Inc.	07/25/2008
00-05729	West Caldwell Office Associates, LLC v. Merrill Lynch, Pierce, Fenner & Smith, Inc. and Christopher Killeen	10/17/2002

### ARBITRATOR BACKGROUND INFORMATION

I am currently a Vice President of Risk Management at National Financial Services, LLC, Fidelity Company. My duties involve all areas of the correspondent clearing business. Previously, I was the Director of compliance at Bluestone Capital/Trade.com, where I was involved in a broad range of national retail and on-line issues. I have previously worked in a retail branch office in operations, compliance and administrative capacities and have a broad operations background including margin.

I currently maintain the following securities licenses: Series 3, 4, 7, 8, 14, 24 and 63.

On July 23, 2008, the arbitrator responded to a FINRA survey about auction rate securities. In the response, the arbitrator disclosed that since January 1, 2005, the arbitrator was employed by or associated with a brokerage firm that sold auction rate securities, but the arbitrator neither sold auction rate securities nor supervised someone who sold auction rate securities.

## Arbitrator Disclosure Report

Report reflects information provided by the arbitrator through 01/15/2010

### ARBITRATOR

<b>Name:</b>	Mr. Kevin B. Naughten	<b>Skills in Controversy:</b>	There are no skills in controversy information.
<b>Arbitrator ID:</b>	[REDACTED]		
<b>CRD #:</b>	345217		
<b>City/State/Country:</b>	Douglaston / NY / United States		
<b>Classification:</b>	Non-public	<b>Skills in Securities:</b>	Common Stock, Commodities Futures, Government Securities, Mutual Funds, Municipal Bonds, Options, Preferred Stock, Repurchase Agreements, Stock Index Futures, Warrants/Rights
<b>FINRA Mediator:</b>	No		
<b>Chair Status:</b>	None		

### EMPLOYMENT

<u>Start Date</u>	<u>End Date</u>	<u>Firm</u>	<u>Position</u>
12/2008	Present	Unemployed	-
11/1999	12/2008	Citibank	Systems Analyst
04/1999	12/2003	Virtus Advisors	Consultant
05/1997	04/1999	Erste Bank Securities	Manager
11/1995	10/1996	RLB-JPP Euro Securities	Mgr. European Securities
04/1988	11/1995	Bank Austria	Mgr., Europe Sec.
11/1977	04/1988	EAB	Treasury
05/1977	11/1977	EF Hutton	Account Executive
05/1972	05/1977	Merrill Lynch & Co.	Account Executive
01/1971	01/1972	Teacher in Asia	-
01/1970	01/1971	NYC Department of Social Services	Case Worker
01/1969	01/1970	US Army	Sergeant 7th Infantry Division
01/1967	01/1969	NYC Department of Social Services	Case Worker

### EDUCATION

<u>Start Date</u>	<u>End Date</u>	<u>School</u>	<u>Degree</u>
09/1968	01/1977	Bernard Baruch Graduate Sch.of Business	MBA - Finance & Investments
09/1963	06/1967	Le Moyne College	BA - Economics

### TRAINING

<u>Completed</u>	<u>Description</u>	<u>Details</u>	<u>Firm/School</u>	<u>Hours</u>	<u>Location</u>
01/2009	Expungement - 2008 Refresher		FINRA	1	
03/2007	Revised Code of Arbitration		NASD	2	online

12/2004	Expungement online mini-course	NASD	1.5	online
06/2000	New Panel Member Training [NASD]	NASD	11	New York, NY

### DISCLOSURE/CONFLICT INFORMATION

<u>Type</u>	<u>Firm Name</u>	<u>Details</u>
Has an account with	Citigroup Global Markets, Inc.	
Has an account with	Dreyfus Service Corp.	
Has an account with	Fidelity Investments	
Has an account with	LFG, L.L.C.	Keystone (REFCO)
Has an account with	REFCO	
Has an account with	Vanguard	
Was a member of	AIMR	
Was a member of	Amer. Institute of Management and Research	nka The CFA Institute
Has made a disclosure about	Citibank	PartoftheTravellersGroup-SalomonSB
Was employed by	Citigroup Global Markets, Inc.	
Was a member of	New York Society of Securities Analysts	
Was Arbitrator for	New York Stock Exchange	
Was employed by	Virtus Advisors	
Held Securities License(s)		Series 3, 4, 27 and 63
Holds Securities License(s)		Series 7 and 24

### PUBLICLY AVAILABLE AWARDS

Publicly Available Awards Section, Current as of 01/20/2010

<u>Case ID</u>	<u>Case Name</u>	<u>Close Date</u>
09-00861	Helen Howard vs. Wells Fargo Investments, LLC and David M. Logsdon	09/01/2009
06-03260	Wachovia Securities, LLC. v. Haran Brucker	08/19/2008
07-02620	Todd Greenbaum v. Hapoalim Securities USA, Inc. as Successor in interest to Investec (US) Incorporated.	04/08/2008
99-03829	Eli and Stephanie Serur vs. Prudential Securities and Jeff Miller	04/26/2001
99-00981	Barry M. Lasner v. Advest, Inc. and Carol Silverman	09/28/2000

### ARBITRATOR BACKGROUND INFORMATION

Formerly employed with Citibank as a Systems Analyst. Twenty-five years in bank treasury and broker dealer activities, including marketing, research, trading; fixed income and equities, foreign and domestic; extensive retail and institutional contact. Education included BA Economics and MBA Finance and Investments; Professional memberships included NY Society of Securities Analysts and AIMR; Securities licenses held: Series 3 (Commodities and Futures) 27 (Fin Op) and series 63. Currently hold series 7 and 24.

"Based on information made available to FINRA, the arbitrator (i) is an employee of a firm that, at any point since January 1, 2005, sold auction rate securities, or (ii) was an employee of such a firm at any time after January 1, 2005."

