

Edgar Filing: McCarthy Charles E - Form SC 13D/A

McCarthy Charles E  
Form SC 13D/A  
September 03, 2004

UNITED STATES  
SECURITIES AND EXCHANGE COMMISSION  
Washington, D.C. 20549

SCHEDULE 13D

Under the Securities Exchange Act of 1934  
(Amendment No. 2)

ARK Restaurants Corp.  
-----

(Name of Issuer)

COMMON STOCK, \$.01 par value  
-----

(Title of Class of Securities)

011591680  
-----

(CUSIP Number)

Murray A. Indick  
Prides Capital Partners, L.L.C.  
200 High Street, Suite 700  
Boston, MA 02110  
(617) 778-9200  
-----

(Name, Address and Telephone Number of Person  
Authorized to Receive Notices and Communications)

August 31, 2004  
-----

(Date of Event which Requires Filing of this Statement)

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If the filing person has previously filed a statement on Schedule 13G to report the acquisition which is the subject of this Schedule 13D, and is filing this schedule because of Rule 13d-1(b) (3) or (4), check the following box [ ].

\*The remainder of this cover page shall be filled out for a reporting person's initial filing on this form with respect to the subject class of securities, and for any subsequent amendment containing information which would alter disclosures provided in a prior cover page.

The information required on the remainder of this cover page shall not be deemed to be filed for the purpose of Section 18 of the Securities Exchange Act of 1934 ( Act ) or otherwise subject to the liabilities of that section of the Act but shall be subject to all other provisions of the Act (however, see the Notes).

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CUSIP NO.011591680

SCHEDULE 13D

-----  
1. NAME OF REPORTING PERSON

Prides Capital Partners, L.L.C.

S.S. OR I.R.S. IDENTIFICATION NO. OF ABOVE PERSON  
20-0654530

-----  
2. CHECK THE APPROPRIATE BOX IF A MEMBER OF A GROUP\*

(a)

(b)

-----  
3. SEC USE ONLY

-----  
4. SOURCE OF FUNDS\*

See Item 3

-----  
5. CHECK BOX IF DISCLOSURE OF LEGAL PROCEEDINGS IS REQUIRED

PURSUANT TO ITEMS 2(d) or 2(e)

-----  
6. CITIZENSHIP OR PLACE OF ORGANIZATION

Delaware

-----  
7. SOLE VOTING POWER

-0-

-----  
8. SHARED VOTING POWER

309,480.00\*\*

-----  
9. SOLE DISPOSITIVE POWER

-0-

-----  
10. SHARED DISPOSITIVE POWER

309,480.00\*\*

-----  
11. AGGREGATE AMOUNT BENEFICIALLY OWNED BY EACH REPORTING PERSON

309,480.00\*\*

-----  
12. CHECK BOX IF THE AGGREGATE AMOUNT IN ROW (11) EXCLUDES

CERTAIN SHARES

-----  
13. PERCENT OF CLASS REPRESENTED BY AMOUNT IN ROW (11)

9.05%\*\*

-----  
14. TYPE OF REPORTING PERSON

OO ( Limited Liability Company)

-----  
\*\* See Item 5

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CUSIP NO.011591680

SCHEDULE 13D

-----  
1. NAME OF REPORTING PERSON

Kevin A. Richardson, II

-----  
2. CHECK THE APPROPRIATE BOX IF A MEMBER OF A GROUP\*

(a)

(b)

-----  
3. SEC USE ONLY

-----  
4. SOURCE OF FUNDS\*

See Item 3

-----  
5. CHECK BOX IF DISCLOSURE OF LEGAL PROCEEDINGS IS REQUIRED

PURSUANT TO ITEMS 2(d) or 2(e)

-----  
6. CITIZENSHIP OR PLACE OF ORGANIZATION

USA

-----  
7. SOLE VOTING POWER

-0-

-----  
8. SHARED VOTING POWER

309,480.00\*\*

-----  
9. SOLE DISPOSITIVE POWER

-0-

-----  
10. SHARED DISPOSITIVE POWER

309,480.00\*\*

-----  
11. AGGREGATE AMOUNT BENEFICIALLY OWNED BY EACH REPORTING PERSON

309,480.00\*\*

-----  
12. CHECK BOX IF THE AGGREGATE AMOUNT IN ROW (11) EXCLUDES

CERTAIN SHARES

-----  
13. PERCENT OF CLASS REPRESENTED BY AMOUNT IN ROW (11)

9.05%\*\*

-----  
14. TYPE OF REPORTING PERSON

IN

-----  
\*\* See Item 5

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CUSIP NO.011591680

SCHEDULE 13D

-----  
1. NAME OF REPORTING PERSON

Henry J. Lawlor, Jr.

-----  
2. CHECK THE APPROPRIATE BOX IF A MEMBER OF A GROUP\*

(a)

(b)

-----  
3. SEC USE ONLY

-----  
4. SOURCE OF FUNDS\*

See Item 3

-----  
5. CHECK BOX IF DISCLOSURE OF LEGAL PROCEEDINGS IS REQUIRED

PURSUANT TO ITEMS 2(d) or 2(e)

-----  
6. CITIZENSHIP OR PLACE OF ORGANIZATION

USA

-----  
7. SOLE VOTING POWER

-0-

-----  
8. SHARED VOTING POWER

309,480.00\*\*

-----  
9. SOLE DISPOSITIVE POWER

-0-

-----  
10. SHARED DISPOSITIVE POWER

309,480.00\*\*

-----  
11. AGGREGATE AMOUNT BENEFICIALLY OWNED BY EACH REPORTING PERSON

309,480.00\*\*

-----  
12. CHECK BOX IF THE AGGREGATE AMOUNT IN ROW (11) EXCLUDES

CERTAIN SHARES

-----  
13. PERCENT OF CLASS REPRESENTED BY AMOUNT IN ROW (11)

9.05%\*\*

-----  
14. TYPE OF REPORTING PERSON

IN

-----  
\*\* See Item 5

CUSIP NO.011591680

SCHEDULE 13D

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1. NAME OF REPORTING PERSON

Murray A. Indick

2. CHECK THE APPROPRIATE BOX IF A MEMBER OF A GROUP\*

(a)   
(b)

3. SEC USE ONLY

4. SOURCE OF FUNDS\*

See Item 3

5. CHECK BOX IF DISCLOSURE OF LEGAL PROCEEDINGS IS REQUIRED  
PURSUANT TO ITEMS 2(d) or 2(e)

6. CITIZENSHIP OR PLACE OF ORGANIZATION

USA

7. SOLE VOTING POWER

-0-

8. SHARED VOTING POWER

309,480.00\*\*

9. SOLE DISPOSITIVE POWER

-0-

10. SHARED DISPOSITIVE POWER

309,480.00\*\*

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309,480.00\*\*

12. CHECK BOX IF THE AGGREGATE AMOUNT IN ROW (11) EXCLUDES  
CERTAIN SHARES

13. PERCENT OF CLASS REPRESENTED BY AMOUNT IN ROW (11)

9.05%\*\*

14. TYPE OF REPORTING PERSON

IN

\*\* See Item 5

CUSIP NO. 011591680

SCHEDULE 13D

1. NAME OF REPORTING PERSON

Charles E. McCarthy

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- 
2. CHECK THE APPROPRIATE BOX IF A MEMBER OF A GROUP\*  
(a)   
(b)
- 
3. SEC USE ONLY
- 
4. SOURCE OF FUNDS\*  
See Item 3
- 
5. CHECK BOX IF DISCLOSURE OF LEGAL PROCEEDINGS IS REQUIRED  
PURSUANT TO ITEMS 2(d) or 2(e)
- 
6. CITIZENSHIP OR PLACE OF ORGANIZATION  
USA
- 
7. SOLE VOTING POWER  
-0-
- 
8. SHARED VOTING POWER  
309,480.00\*\*
- 
9. SOLE DISPOSITIVE POWER  
-0-
- 
10. SHARED DISPOSITIVE POWER  
309,480.00\*\*
- 
11. AGGREGATE AMOUNT BENEFICIALLY OWNED BY EACH REPORTING PERSON  
309,480.00\*\*
- 
12. CHECK BOX IF THE AGGREGATE AMOUNT IN ROW (11) EXCLUDES  
CERTAIN SHARES
- 
13. PERCENT OF CLASS REPRESENTED BY AMOUNT IN ROW (11)  
9.05%\*\*
- 
14. TYPE OF REPORTING PERSON  
IN
- 

\*\* See Item 5

CUSIP NO. 011591680 SCHEDULE 13D

- 
1. NAME OF REPORTING PERSON  
Christian Puscasiu
-

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2. CHECK THE APPROPRIATE BOX IF A MEMBER OF A GROUP\*  
(a)   
(b)
- 
3. SEC USE ONLY
- 
4. SOURCE OF FUNDS\*  
See Item 3
- 
5. CHECK BOX IF DISCLOSURE OF LEGAL PROCEEDINGS IS REQUIRED  
PURSUANT TO ITEMS 2(d) or 2(e)
- 
6. CITIZENSHIP OR PLACE OF ORGANIZATION  
USA
- 
7. SOLE VOTING POWER  
-0-
- 
8. SHARED VOTING POWER  
309,480.00\*\*
- 
9. SOLE DISPOSITIVE POWER  
-0-
- 
10. SHARED DISPOSITIVE POWER  
309,480.00\*\*
- 
11. AGGREGATE AMOUNT BENEFICIALLY OWNED BY EACH REPORTING PERSON  
309,480.00\*\*
- 
12. CHECK BOX IF THE AGGREGATE AMOUNT IN ROW (11) EXCLUDES  
CERTAIN SHARES
- 
13. PERCENT OF CLASS REPRESENTED BY AMOUNT IN ROW (11)  
9.05%\*\*
- 
14. TYPE OF REPORTING PERSON  
IN
- 
- \*\* See Item 5

CUSIP NO. 011591680

SCHEDULE 13D

Item 1. Security and Issuer

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This Amendment No. 2 amends the Statement on Schedule 13D (the "Schedule13D") filed with the Securities and Exchange Commission (the "Commission") on July 7, 2004 by Prides Capital Partners, L.L.C. a Delaware limited liability company, Kevin A. Richardson, II, Henry J. Lawlor,

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Jr., Murray A. Indick, Charles E. McCarthy and Christian Puscasiu. This amendment to the Schedule 13D relates to the shares of Common Stock, \$.01 par value (the "Common Stock") of ARK Restaurants Corp., a New York corporation (the "Issuer"). The principal executive office and mailing address of the Issuer is 85 Fifth Avenue, New York, NY 10003 (the "Issuer"). The following amendments to the Schedule 13D are hereby made. Unless otherwise defined herein, all capitalized terms shall have the meanings ascribed to them in the Schedule 13D.

CUSIP NO. 011591680

SCHEDULE 13D

### Item 5. Interest in Securities of the Issuer

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(a), (b) According to the Issuer's 10-Q filed on August 10, 2004, there were 3,419,899 shares of Common Stock issued and outstanding as of August 9, 2004. Based on such information, after taking into account the transactions described in Item 5(c) below, the Reporting Persons report beneficial ownership of 309,480 shares of Common Stock, representing 9.05% of the shares outstanding, held by Prides Capital Partners, L.L.C. Voting and investment power concerning the above shares are held solely by Prides Capital Partners, L.L.C.

Although Kevin A. Richardson, II, Henry J. Lawlor, Jr., Murray A. Indick, Charles E. McCarthy and Christian Puscasiu are joining in this Amendment as Reporting Persons, the filing of this Amendment shall not be construed as an admission that any of them are, for any purpose, the beneficial owner of any of the securities that are beneficially owned by Prides Capital Partners, L.L.C.

c) Since the date of the last acquisition reported in the Schedule 13D, the Reporting Persons purchased the following shares of Common Stock in the open market:

Trade Date	Shares	Price/Share
08-10-04	500	23.03
08-11-04	500	23.20
08-12-04	4,000	24.36
08-13-04	10,000	24.20
08-26-04	1,454	22.19
08-30-04	3,000	23.56
08-31-04	20,800	23.95

### Item 7. Material to be Filed as Exhibits

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Exhibit A Joint Filing Undertaking.

CUSIP NO.011591680

SCHEDULE 13D

### SIGNATURES

After reasonable inquiry and to the best of our knowledge and belief, the undersigned certify that the information set forth in this statement is true, complete and correct.



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Dated: September 3, 2004

**PRIDES CAPITAL PARTNERS, L.L.C.**

By: Murray A. Indick  
Managing Member

/s/ Murray A. Indick  
Murray A. Indick

/s/ Kevin A. Richardson, II  
Murray A. Indick  
Attorney-in-Fact

/s/ Henry J. Lawlor, Jr.  
Murray A. Indick  
Attorney-in-Fact

/s/ Charles E. McCarthy  
Murray A. Indick  
Attorney-in-Fact

/s/ Christian Puscasiu  
Murray A. Indick  
Attorney-in-Fact

CUSIP NO.011591680

SCHEDULE 13D

Exhibit A  
JOINT FILING UNDERTAKING

The undersigned, being duly authorized thereunto, hereby execute this agreement as an exhibit to evidence the agreement of the below-named parties, in accordance with the rules promulgated pursuant to the Securities Exchange Act of 1934, to file this Schedule jointly on behalf of each such party.

Dated: September 3, 2004

**PRIDES CAPITAL PARTNERS, L.L.C.**

By: Murray A. Indick  
Managing Member

/s/ Murray A. Indick  
Murray A. Indick

/s/ Kevin A. Richardson, II  
Murray A. Indick  
Attorney-in-Fact

/s/ Henry J. Lawlor, Jr.  
Murray A. Indick  
Attorney-in-Fact

/s/ Charles E. McCarthy  
Murray A. Indick  
Attorney-in-Fact

/s/ Christian Puscasiu  
Murray A. Indick  
Attorney-in-Fact