

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between:
Westwind Productions, Inc., Claimant v. Joseph Gunnar & Co., Respondent

Case Number: 00-00763

Hearing Site: Los Angeles, California

REPRESENTATION OF PARTIES

For Claimant Westwind Productions, Inc.:

William C. Webb
Westwind Productions, Inc.
Marina Del Rey, California

For Respondent Joseph Gunnar & Co.:

Gregg R. Evangelist, Esq.
Joseph Gunnar & Co.
New York, New York

CASE INFORMATION

Statement of Claim filed: February 10, 2000

Claimant's Uniform Submission Agreement signed: February 10, 2000

Statement of Answer filed by Respondent: March 21, 2000

Respondent's Uniform Submission Agreement signed: March 21, 2000

CASE SUMMARY

Claimant alleged that Respondent exceeded its authority by purchasing more shares of Xoom.com (XMCM) than Claimant authorized, which consequently resulted in a margin call.

Respondent denied the allegations of wrongdoing set forth in the Claimant's Statement of Claim.

RELIEF REQUESTED

Claimant requested compensatory damages in the sum of \$23,700.00.

Respondent requested dismissal of the Claimant's Statement of Claim in its entirety, and sought an award for costs and attorney's fees.

OTHER ISSUES CONSIDERED AND DECIDED

The parties agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered.

AWARD

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

- 1) Claimant's claim is denied in its entirety.
- 2) Each party shall bear its own costs, including attorney's fees.
- 3) All other relief not expressly granted is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

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

Initial claim filing fee	= \$ 125.00
--------------------------	-------------

Member Fees

Member fees are assessed to each member firm that is either a party in the matter or an employer of a respondent associated person at the time of the events which gave rise to the dispute, claim, or controversy. Accordingly, the member firm Joseph Gunnar & Co. is a party and the following fees are assessed:

Member Surcharge	= \$ 400.00
------------------	-------------

Forum Fees and Assessments

The Arbitrator assessed a forum fee for each pre-hearing conference or hearing session conducted. A pre-hearing conference and hearing session is any meeting between the parties and the Chair. The following fees are assessed:

(1) Pre-hearing conference session with a single arbitrator @ \$ 450.00/session	= \$ 450.00
Pre-hearing conference: October 16, 2000 1 session	
(2) Hearing sessions @ \$450.00/session	= \$ 900.00
Hearings: January 10, 2001 2 sessions	
<hr/>	
Total Forum Fees	= \$ 1,350.00

The Arbitrator assessed \$1,350.00 of the forum fees to Claimant Westwind Productions, Inc.

Fee Summary

1. Claimant, Westwind Productions, Inc., is charged with the following fees and costs:

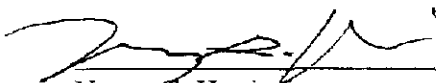
Initial Filing Fee	= \$ 125.00
<u>Forum Fees</u>	= \$ 1,350.00
Total Fees	= \$ 1,475.00
<u>Less Payments</u>	= \$(575.00)
Balance Due NASD Dispute Resolution, Inc.	= \$ 900.00
2. Respondent, Joseph Gunnar & Co., is charged with the following fees and costs:

Member Fees	= \$ 400.00
<u>Less Payments</u>	= \$(400.00)
Balance Due NASD Dispute Resolution, Inc.	= \$ 0.00

All balances are payable to NASD Dispute Resolution, Inc. and are to be paid immediately upon the receipt of the award by the parties pursuant to Rule 10330(g) of the Code.

NASD Dispute Resolution, Inc.
Arbitration No. 00-00763
Award Page 4 of 4

Arbitrator's Signature



Nancy G. Harris
Chair, Public Arbitrator

1-10-01
Signature Date

1-11-01
Date of Service