

**Award**  
**NASD Dispute Resolution, Inc.**

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In the Matter of the Arbitration Between:

David R. Davis II, Claimant v. H.D. Brous & Co., Inc., Respondent

Counterclaim:

H.D. Brous & Co., Inc., Counterclaimant v. David R. Davis II, Counter-Respondent

Case Number: 00-03256

Hearing Site: Los Angeles, California

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**REPRESENTATION OF PARTIES**

For Claimant:

David R. Davis II  
In Pro Per  
Sherman Oaks, California

For Respondent:

Alan S. Petlak, Esq.  
Morgan, Lewis & Bockius, LLP  
Los Angeles, California

**CASE INFORMATION**

Statement of Claim filed: July 31, 2000

Claimant David R. Davis II's Uniform Submission Agreement signed: August 8, 2000

Statement of Answer filed by Respondent H.D. Brous & Co., Inc.: September 12, 2000

Amended Statement of Answer and Counterclaim filed by Respondent H.D. Brous & Co., Inc.:  
September 26, 2000

Respondent H.D. Brous & Co., Inc.'s Uniform Submission Agreement signed: September 7,  
2000

Claimant David R. Davis II's Statement of Answer to the Counterclaim filed: None Filed

**CASE SUMMARY**

Claimant alleged breach of contract and failure to execute in the purchase and/or sale of the  
initial public offering of shares in Muse Technologies.

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

In its Counterclaim, H.D. Brous & Co., Inc. alleged Claimant David R. Davis II wrongly stopped payment on a check. Allegations arose out of the purchase and/or sale of 1,000 shares of Geni, Inc. stock.

Claimant David R. Davis denied the allegations of wrongdoing set forth in Respondent's Counterclaim.

### **RELIEF REQUESTED**

Claimant David R. Davis II requested compensatory damages of \$9,500.00.

Respondent H.D. Brous & Co., Inc. requested dismissal of Claimant's Statement of Claim in its entirety, arbitration costs and attorney's fees.

In its Counterclaim, H.D. Brous & Co., Inc. requested \$2,125.00 in compensatory damages, and reimbursement for arbitration 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) All claims in Claimant David R. Davis II's Statement of Claim are denied in their entirety.
- 2) All Claims in Counterclaimant H.D. Brous & Co., Inc.'s Counterclaim are denied in their entirety.
- 3) Each party shall bear its own costs, including attorney's fees.
- 4) All other relief requested and 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	= \$ 75.00
Counterclaim by H.D. Brous & Co., Inc.	= \$ 300.00

#### **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 H.D. Brous & Co., Inc. is a party and the following fees are assessed:

Member Surcharge	= \$ 300.00
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#### **Adjournment Fees**

The following adjournment fees are assessed:

Hearing Date July 19, 2001; adjournment requested by Claimant	= \$ 250.00
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#### **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 @ \$ 250.00/session	= \$ 250.00
Pre-hearing conference: March 22, 2001	1 session

2 Hearing sessions @ \$250.00/session	= \$ 500.00
Hearing: September 24, 2001	2 sessions

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<b>Total Forum Fees</b>	<b>= \$ 750.00</b>
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1. The Arbitrator assessed \$ 375.00 of the forum fees to Claimant David R. Davis II.
2. The Arbitrator assessed \$ 375.00 of the forum fees to Respondent H.D. Brous & Co., Inc.

**Fee Summary**

1. Claimant Davis is charged with the following fees and costs:

Initial Filing Fee	= \$ 75.00
Adjournment Fee	= \$ 250.00
Forum Fees	= \$ 375.00
Total Fees	= \$ 700.00
Less payments	= \$(325.00)
<b>Balance Due NASD Dispute Resolution, Inc.</b>	<b>= \$ 375.00</b>

2. Respondent H.D. Brous & Co., Inc. is charged with the following fees and costs:

Counterclaim Filing Fee	= \$ 300.00
Member Fees	= \$ 300.00
Forum Fees	= \$ 375.00
Total Fees	= \$ 975.00
Less payments	= \$(650.00)
<b>Balance Due NASD Dispute Resolution, Inc.</b>	<b>= \$ 325.00</b>

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

NASD Dispute Resolution, Inc.  
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**ARBITRATOR**

**Charles Ajamian**

**Public Arbitrator**

**Arbitrator's Signature**

  
**Charles Ajamian**  
**Public Arbitrator**

11/26/01  
**Signature Date**

11/26/01  
**Date of Service**