

ORIGINAL

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Jinnie Simonsen, Claimant v. Bear Stearns & Co., Inc., Jedd F. Dunas, Richard G. LaVoice,
Respondents

Case Number: 01-01072

Hearing Site: San Francisco, California

REPRESENTATION OF PARTIES

For Claimant:

George S. Trevor, Esq.
Trevor & Weixel, LLP
Corte Madera, California

For Respondents:

Peter R. Boutin, Esq.
Kelly J. Moynihan, Esq.
Keesal, Young & Logan
San Francisco, California

CASE INFORMATION

Statement of Claim filed: February 28, 2001

Claimant's Uniform Submission Agreement signed: February 22, 2001

Joint Statement of Answer filed by Respondents Bear Stearns & Co., Inc., Jedd F. Dunas, and Richard G. LaVoice: May 3, 2001

Respondent Bear Stearns & Co., Inc.'s Uniform Submission Agreement signed: April 4, 2001

Respondent Richard G. LaVoice's Uniform Submission Agreement signed: May 3, 2001

Respondent Jedd F. Dunas Uniform Submission Agreement: None Filed

CASE SUMMARY

Claimant alleged failure to execute, professional negligence, failure to supervise, breach of fiduciary duty, and common law fraud. Claimant's claims involved various securities transactions, including but not limited to Softnet Systems, WorldPort Communications, Firstcom, Medtromedia Fiber Network, Viatel, Tricom, and Vixel.

Respondents denied the allegations of wrongdoing set forth in the Claimant's Statement of Claim and asserted affirmative defenses.

RELIEF REQUESTED

Claimant requested compensatory damages of \$289,504.00, unspecified punitive damages, interest and costs, including attorney's fees.

Respondents requested dismissal of the Claimant's Statement of Claim in its entirety and costs incurred in defending the Claim. Respondents also requested that the Panel recommend expungement of all reference to the above-captioned arbitration from Respondents Jedd F. Dunas and Richard G. LaVoice's respective registration records maintained by the NASD Central Registration Depository.

OTHER ISSUES CONSIDERED AND DECIDED

On September 21, 2001, Respondent Jedd F. Dunas filed a voluntary Petition under Chapter 7. As a result, the above captioned arbitration is stayed as to Respondent Jedd F. Dunas.

On October 30, 2002, Claimant Jinnie K. Simonsen and Claimant's counsel George S. Trevor signed a Waiver Agreement expressly waiving any and all rights and benefits under California Civil Code Section 1542 and the California Ethical Standards for Neutral Arbitrators.

On October 29, 2002, Respondents' counsel Peter R. Boutin signed a Waiver Agreement on behalf of Respondents Bear, Stearns & Co., Inc., Jedd F. Dunas, and Richard G. LaVoice expressly waiving any and all rights and benefits under California Civil Code Section 1542 and the California Ethical Standards for Neutral Arbitrators.

On November 5, 2002, Claimant dismissed Respondent Richard G. LaVoice with prejudice.

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 Panel decided in full and final resolution of the issues submitted for determination as follows:

1. Claimant's claims are denied in their entirety.

The Panel has determined that the failure of Respondent Bear, Stearns & Co., Inc. to supervise Jedd F. Dunas did not cause any damages to Claimant. However, the evidence presented at the hearings regarding the failure of Respondent Bear, Stearns & Co., Inc. to supervise Jedd F. Dunas compels the Panel to recommend that this matter be referred to NASD Regulation for its regulatory review.

2. The parties shall bear their respective costs, including attorney's fees.
3. All other relief requested and not expressly granted is denied.

FEES

Pursuant to the Code of Arbitration Procedure, the following fees are assessed:

Filing Fees

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

Initial claim filing fee	= \$ 300.00
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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 that gave rise to the dispute, claim, or controversy. Accordingly, the member firm Bear Stearns & Co., Inc. is a party and the following fees are assessed:

Member Surcharge	= \$ 1,500.00
Pre-Hearing Process Fee	= \$ 600.00
<u>Hearing Process Fee</u>	= \$ 2,500.00
Total Member Fees	= \$ 4,600.00

Adjournment Fees

The following adjournment fees are assessed:

Adjournment fee for the April 30-May 3, 2002 hearing dates, requested by and assessed to Claimant	= \$ 1,125.00
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Forum Fees and Assessments

The Panel has assessed forum fees for each session conducted. A session is any meeting between the parties and the Panel or Chairperson, including a pre-hearing conference, that lasts four (4) hours or less. The following fees are assessed:

Two (2) Pre-hearing conference sessions with a single arbitrator @ \$450.00/session	= \$ 900.00
Pre-hearing conferences: February 19, 2002	1 session
June 30, 2003	1 session

Five (5) Pre-hearing conference sessions with the Panel @ \$ 1,125.00/session	= \$ 5,625.00
Pre-hearing conferences: October 16, 2001	1 session
April 22, 2002	1 session
September 20, 2002	1 session
November 22, 2002	1 session
December 17, 2002	1 session

Twenty-six (26) Hearing sessions @ \$ 1,125.00/session		= \$ 29,250.00
Hearings:		
	October 28, 2002	2 sessions
	October 29, 2002	1 session
	April 21, 2003	2 sessions
	April 22, 2003	2 sessions
	April 23, 2003	2 sessions
	April 24, 2003	1 session
	April 25, 2003	2 sessions
	April 28, 2003	2 sessions
	April 29, 2003	2 sessions
	May 12, 2003	2 sessions
	May 13, 2003	2 sessions
	May 14, 2003	2 sessions
	July 24, 2003	2 sessions
	July 25, 2003	2 sessions

Total Forum Fees	= \$ 35,775.00
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1. The Panel assessed \$17,887.50 of the forum fees to Claimant.
2. The Panel assessed \$17,887.50 of the forum fees to Respondent Bear, Stearns & Co., Inc.

Fee Summary

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

Initial Filing Fee	= \$ 300.00
Adjournment Fee	= \$ 1,125.00
Forum Fees	= \$ 17,887.50
Total Fees	= \$ 19,312.50
Less payments	= \$(2,425.00)
Balance Due NASD Dispute Resolution	= \$ 16,887.50

2. Respondent Bear Stearns & Co., Inc. is charged with the following fees and costs:

Member Fees	= \$ 4,600.00
Forum Fees	= \$ 17,887.50
Total Fees	= \$ 22,487.50
Less payments	= \$(4,600.00)
Balance Due NASD Dispute Resolution	= \$ 17,887.50

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

ARBITRATION PANEL

Peter John Wercinski, Esq.	-	Public Arbitrator, Presiding Chair
Joseph M. O'Connor, P.E.	-	Public Arbitrator
Carlos Richard Mangum	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

Peter John Wercinski, Esq.
Chair, Public Arbitrator

Signature Date

Joseph M. O'Connor, P.E.
Public Arbitrator

Signature Date

Carlos Richard Mangum
Non-Public Arbitrator

Signature Date

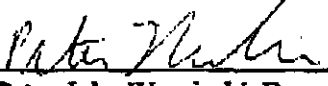
Date of Service

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Peter John Wercinski, Esq.
Chair, Public Arbitrator

8/15/03

Signature Date

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Public Arbitrator

Signature Date

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Non-Public Arbitrator

Signature Date

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NASD Dispute Resolution
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Peter John Wercinski, Esq.
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Public Arbitrator, Presiding Chair
Public Arbitrator
Non-Public Arbitrator

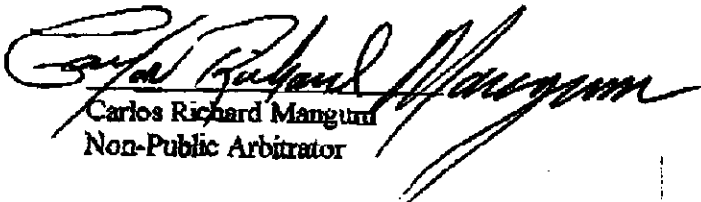
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