

**Award**  
**NASD Dispute Resolution**

---

In the Matter of the Arbitration Between:

Dr. Ali Daher (Claimant) v. Deutsche Bank Securities (Respondent)

Case Number: 03-01053

Hearing Site: New York, New York

---

Nature of the Dispute: Customer v. Member.

**REPRESENTATION OF PARTIES**

Claimant Dr. Ali Daher ("Daher") hereinafter referred to as "Claimant": Anthony J. Hom, Esq., New York, NY.

Respondent Deutsche Bank Securities ("DBS") hereinafter referred to as "Respondent": Deborah G. Heilizer, Esq., Deutsche Bank Alex Brown, Baltimore, MD.

**CASE INFORMATION**

Statement of Claim filed on or about: February 7, 2003.

Claimant signed the Uniform Submission Agreement: February 7, 2003.

Statement of Answer filed by Respondent on or about: September 12, 2003.

Respondent did not sign the Uniform Submission Agreement.

**CASE SUMMARY**

Claimant asserted the following causes of action: failure to disclose; failure to execute; unsuitability; failure to supervise; breach of contract; breach of fiduciary duty; and negligence. Claimant's claim involved shares of Daimler Benz; Priceline; Telekom; Gfn; Grenke leasing; EADS; and Red Hat.

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim.

**RELIEF REQUESTED**

Claimant requested compensatory damages in the amount of \$300,000.00; compensatory damages in the amount of \$1,032,000.00; interest from the date the losses were incurred to the date of this arbitration together with costs.

Respondent requested that the Statement of Claim be dismissed and that all forum fees be

assessed against the Claimant.

### **OTHER ISSUES CONSIDERED AND DECIDED**

Respondent did not file with NASD Dispute Resolution a properly executed Uniform Submission Agreement but is required to submit to arbitration pursuant to the Code and, having answered the claim, is bound by the determination of the Panel on all issues submitted.

On or about May 13, 2004, NASD Dispute Resolution ("NASD DR") notified the parties that arbitrator Murray P. Lennard, Esq. withdrew from the Panel. The parties unanimously agreed to proceed with the remaining two arbitrators.

On or about March 22, 2004, Respondent made a motion to dismiss for lack of a customer relationship with DBS. On or about April 1, 2004, Claimant filed an opposition to the motion to dismiss. At the pre-hearing conference held on May 18, 2004, the parties presented oral arguments regarding the motion to dismiss. After due consideration, the Panel granted the motion.

The parties have 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, and the testimony and evidence presented at the pre-hearing conferences, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimant's claims are dismissed in their entirety.
2. Any and all relief not specifically addressed herein is denied.

### **FEES**

Pursuant to the Code, the following fees are assessed:

#### **Filing Fees**

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

Initial claim filing fee	= \$500.00
--------------------------	------------

#### **Member Fees**

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm that employed the associated person at the time of the events giving rise to the dispute. Accordingly, Deutsche Bank Securities, Inc. is a party.

Member surcharge	= \$2,800.00
Pre-hearing process fee	= \$ 750.00

**Forum Fees and Assessments**

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

Three (3) Pre-hearing sessions with Panel @ \$1,200.00	= \$3,600.00
Pre-hearing conferences:	
January 14, 2004	1 session
March 8, 2004	1 session
May 18, 2004	1 session
<hr/> Total Forum Fees	<hr/> = \$3,600.00

1. The Panel has assessed \$3,600.00 of the forum fees against Claimant.

**Fee Summary**

1. Claimant is solely liable for:

Initial Filing Fee	= \$ 500.00
<u>Forum Fees</u>	<u>= \$3,600.00</u>
Total Fees	= \$4,100.00
<u>Less payments</u>	<u>= \$1,700.00</u>
Balance Due NASD Dispute Resolution	= \$2,400.00

2. Respondent is solely liable for:

<u>Member Fees</u>	<u>= \$3,550.00</u>
Total Fees	= \$3,550.00
<u>Less payments</u>	<u>= \$3,550.00</u>
Balance Due NASD Dispute Resolution	= \$ 0.00


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

**ARBITRATION PANEL**

Daniel P. Lund, Esq. - Public Arbitrator, Presiding Chair  
Garrett J. Dombrowski, Esq. - Non-Public Arbitrator

**Concurring Arbitrators' Signatures**

I, the undersigned arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument which is my award.

  
\_\_\_\_\_  
Daniel P. Lund, Esq.  
Public Arbitrator, Presiding Chairperson

  
\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Garrett J. Dombrowski, Esq.  
Non-Public Arbitrator

\_\_\_\_\_  
Signature Date

June 2, 2004  
Date of Service (For NASD Dispute Resolution use only)

**ARBITRATION PANEL**

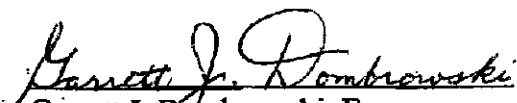
Daniel P. Lund, Esq. - Public Arbitrator, Presiding Chair  
Garrett J. Dombrowski, Esq. - Non-Public Arbitrator

**Concurring Arbitrators' Signatures**

I, the undersigned arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument in which is my award.

\_\_\_\_\_  
Daniel P. Lund, Esq.  
Public Arbitrator, Presiding Chairperson

\_\_\_\_\_  
Signature Date

  
\_\_\_\_\_  
Garrett J. Dombrowski, Esq.  
Non-Public Arbitrator

May 26, 2004  
\_\_\_\_\_  
Signature Date

June 2, 2004  
\_\_\_\_\_  
Date of Service (For NASD Dispute Resolution use only)