

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION
CASE: 03-05646

First Avantis Securities, Inc., Claimant v. David Hayes, Respondent.

ATTORNEYS:

For Claimant, First Avantis Securities, Inc., ("Claimant"), appeared John Courtade, Esq., of the Law Offices of John Courtade, Austin, TX.

Respondent, David Hayes, ("Respondent"), appeared pro se, Austin, TX.

NATURE OF DISPUTE: Member v. Associated Person

DATE FILED: August 1, 2003

CASE SUMMARY: Claimant is requesting indemnification for costs of a previous arbitration that was filed by customer Joanne Guasto. Claimant maintained that due to Respondent's action, the corporation suffered financial losses.

ARBITRATOR'S REPORT: All Motions to Compel either requested or issued by Respondent are denied.

Claim Data

Claim: \$25,000.00

Interest: Prejudgment on the losses to the time of the award, at the rate of ten percent (10%)

Interest: Prospectively from time of the award, at same judgment interest rate

Attorney Fees: Unspecified

Filing Fees: \$.00

Other: Unspecified

Award Data

Award: \$25,000.00

Interest: \$.00

Interest: \$.00

Attorney Fees: \$3,656.73

Filing Fees: \$525.00

Other: \$.00

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) Respondent is liable for and shall pay to the Claimant \$25,000.00. 2) Respondent is liable and shall pay to the Claimant \$3,656.73 in attorney fees. In deciding to award attorney's fees, the undersigned arbitrator considered the arguments and pleadings of the parties and determined that authority existed to award attorney's fees and expenses as sought by the Claimant. 3) All requests for interest are denied. 4) All other relief requests are denied. 5) NASD Dispute Resolution shall retain the \$1,050.00 filing fee that the Claimant deposited previously. 6) Respondent is liable and shall pay to the Claimant \$525.00 as reimbursement of one-half of the filing fee.

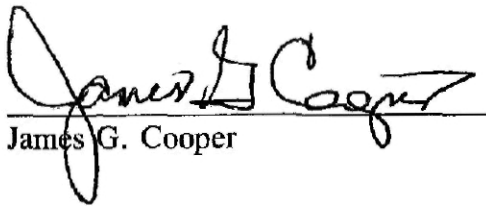
OTHER FEES: Pursuant to Rule 10333 of the Code, Claimant has paid to NASD Dispute Resolution the \$425.00 Member Surcharge previously invoiced.

ARBITRATOR

James G. Cooper - Sole Non-Public Arbitrator

AFFIRMATION

I, James G. Cooper, do hereby affirm, upon my oath as arbitrator that I am the individual described herein who executed this instrument, which is my oath and award.


James G. Cooper

7-28-2004
Signature Date

August 6, 2004

Date of Service (For NASD-DR office use only)