

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:
Harriet Lawrence Webb, Claimant v. Robert Emmer and Associated Securities Corp.,
Respondents

Case Number: 05-06512

Hearing Site: San Francisco, California

Nature of the Dispute: Customer v. Associated Person and Member

REPRESENTATION OF PARTIES

For Claimant:

Timothy A. Canning, Esq.
Attorney at Law
Novato, California

For Respondents:

Samuel Y. Edgerton, III, Esq.
Chad Weaver, Esq.
Aundrea L. Newsome, Esq.
Edgerton & Weaver, LLP
Hermosa Beach, California

CASE INFORMATION

Statement of Claim filed: December 16, 2005

Claimant's Uniform Submission Agreement signed: December 12, 2005

Joint Statement of Answer filed by Respondents: March 24, 2006

Respondent Robert Emmer's Uniform Submission Agreement signed: May 8, 2006

Respondent Associated Securities Corp.'s Uniform Submission Agreement signed:
February 15, 2006

CASE SUMMARY

Claimant alleged fraud, negligence, misrepresentation, breach of contract, breach of fiduciary duty, unsuitability, and failure to supervise. Claimant's allegations involved various unspecified securities.

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

RELIEF REQUESTED

Claimant requested \$638,000.00 in compensatory damages, unspecified punitive damages, disciplinary referrals, and costs.

Respondents requested dismissal of Claimant's Statement of Claim in its entirety, that all forum fees be assessed to Claimant, and that Respondents be refunded their member surcharges.

OTHER ISSUES CONSIDERED AND DECIDED

On September 13, 2006, Respondents filed a motion to dismiss Claimant's claims. On September 28, 2006, Claimant filed an opposition to the motion. On October 5, 2006, Respondents filed a reply in support of their motion. On October 17, 2006, the Panel conducted a telephonic conference with the parties to hear oral argument on the motion. After due deliberation, the Panel decided to grant Respondents' motion to dismiss.

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 and oral argument presented at the October 17, 2006 pre-hearing conference, the Panel decided in full and final resolution of the issues submitted for determination as follows:

- 1) Respondents' Motion to Dismiss is granted. Accordingly, Claimant's claims are dismissed with prejudice.
- 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 NASD 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	= \$ 375.00
--------------------------	-------------

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 that gave rise to the dispute, claim, or controversy. Accordingly, the member firm Associated Securities Corp. is a party and the following fees are assessed:

Member Surcharge	= \$ 2,200.00
Pre-Hearing Process Fee	= \$ 750.00
Hearing Process Fee	= \$ 4,000.00
Total Member Fees	= \$ 7,000.00

Forum Fees and Assessments

The Panel assessed forum fees for each session conducted or each decision rendered on a discovery-related motion decided on the papers. A session is any meeting between the parties and the arbitrator(s), including a pre-hearing conference with the arbitrator(s), that lasts four (4) hours or less. Fees associated with these proceedings are:

(2) Pre-hearing conference sessions with the Panel @ \$1,200.00/session = \$2,400.00
Pre-hearing conferences: June 19, 2006 1 session
October 17, 2006 1 session

Total Forum Fees = **\$2,400.00**

1. The Panel assessed \$1,200.00 of the forum fees to Claimant.
2. The Panel assessed \$1,200.00 of the forum fees jointly and severally to Respondents.

Fee Summary

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

Initial Filing Fee	= \$ 375.00
Forum Fees	= \$ 1,200.00
Total Fees	= \$ 1,575.00
Less payments	= \$(1,575.00)
Balance Due NASD Dispute Resolution	= \$ 0.00
2. Respondent Associated Securities Corp. is charged with the following fees and costs:

Member Fees	= \$ 7,000.00
Less payments	= \$(7,000.00)
Balance Due NASD Dispute Resolution	= \$ 0.00
3. Respondents Robert Emmer and Associated Securities Corp. are charged jointly and severally with the following fees and costs:

Forum Fees	= \$ 1,200.00
Less payments	= \$ (0.00)
Balance Due NASD Dispute Resolution	= \$ 1,200.00

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 H. Daly	-	Public Arbitrator, Presiding Chair
Bruce T. Mitchell	-	Public Arbitrator
Jerold R. Babin	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures



Peter H. Daly
Chair, Public Arbitrator

10/24/06
Signature Date

Bruce T. Mitchell
Public Arbitrator

Signature Date

Jerold R. Babin
Non-Public Arbitrator

Signature Date

10/25/06
Date of Service

ARBITRATION PANEL

Peter H. Daly	-	Public Arbitrator, Presiding Chair
Bruce T. Mitchell	-	Public Arbitrator
Jerold R. Babin	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

Peter H. Daly
Chair, Public Arbitrator

Signature Date



Bruce T. Mitchell
Public Arbitrator

Signature Date

Jerold R. Babin
Non-Public Arbitrator

Signature Date



Date of Service

ARBITRATION PANEL

Peter H. Daly	-	Public Arbitrator, Presiding Chair
Bruce T. Mitchell	-	Public Arbitrator
Jerold R. Babin	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

Peter H. Daly
Chair, Public Arbitrator

Signature Date

Bruce T. Mitchell
Public Arbitrator

Signature Date



Jerold R. Babin
Non-Public Arbitrator

10/25/06
Signature Date

10/25/06
Date of Service