

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between

John H. and Arline Dawn Peck Claimants

vs.

Bateman Eichler, Hill Richards, Respondent
Inc.

AWARD

NASD #88-02167

SUMMARY OF ISSUES

This case was filed on July 5, 1988. Claimants alleged that Respondent's employee made unauthorized transactions in Claimants' accounts. They further contended that Respondent failed to adequately supervise and control the employee's activities and that when made aware of the problem, they did not act in a timely manner to resolve it, resulting in a loss of \$19,760.76. Respondent filed a Motion to Dismiss the action based on statutes of limitations arguments.

DAMAGES AND RELIEF REQUESTED

Claimants requested an award of \$19,760.76. Respondent requested that the action be dismissed.

DAMAGES AND RELIEF AWARDED

On October 17, 1989, in Los Angeles, California, in two sessions, the undersigned arbitrators heard arguments on Respondent's Motion to Dismiss. Claimants and counsel for Respondent were present. The arbitration panel, having considered the pleadings, the testimony, and the evidence presented at the hearing, has determined in full and final resolution of the issues submitted for determinations as follows:

1. Respondent's Motion to Dismiss is granted and each and every claim of Claimants is dismissed.
2. The parties shall each bear their respective costs including attorneys' fees.

3. Pursuant to Section 43 of the National Association of Securities Dealers, Inc. (NASD) Code of Arbitration Procedure, the NASD shall retain the \$400.00 filing fee previously deposited by the Claimants.

PRESIDING ARBITRATORS

Laurie J. Butler

DATE SERVED: December 13, 1989 James H. Gormsen

Linda Lee Weber