

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

IN THE MATTER OF ARBITRATION  
BETWEEN

JOHNNIE AND ARLENE DORICH

Claimants,

vs.

EDWARD D. JONES & CO. &  
JAMES CAPPS

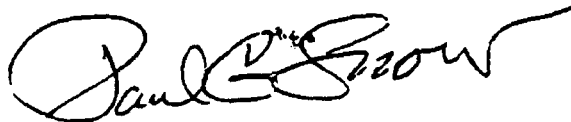
Respondents.

NO. 88-02573  
MOTION TO DISMISS

The Panel has reviewed the Respondent's Supplement to the Motion to Dismiss and the Claimant's response. The Panel has also reconsidered the oral argument presented to them on May 9, 1989.

After careful consideration, the Panel has determined that the Respondent's Motion to Dismiss should be granted. The Panel regrets that the Dorich's will not be able to pursue their claim in Arbitration. However, the Panel found that to act otherwise would be contrary to the Order of the Federal District Court and to the principals underlining the Doctrines of Res Judicata and Collateral Estoppel.

The Motion shall be granted and the case Dismissed with Prejudice. The \$400 filing fee, initially deposited by the Claimant shall be refunded in Accordance with Section 43 of the NASD Code of Arbitration Procedure.



NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

IN THE MATTER OF ARBITRATION  
BETWEEN

JOHNNIE AND ARLENE DORICH

Claimants,

vs.

EDWARD D. JONES & CO. &  
JAMES CAPPS

Respondents.

NO. 88-02573  
MOTION TO DISMISS

The Panel has reviewed the Respondent's Supplement to the Motion to Dismiss and the Claimant's response. The Panel has also reconsidered the oral argument presented to them on May 9, 1989.

After careful consideration, the Panel has determined that the Respondent's Motion to Dismiss should be granted. The Panel regrets that the Dorich's will not be able to pursue their claim in Arbitration. However, the Panel found that to act otherwise would be contrary to the Order of the Federal District Court and to the principals underlining the Doctrines of Res Judicata and Collateral Estoppel.

The Motion shall be granted and the case Dismissed with Prejudice. The \$400 filing fee, initially deposited by the Claimant shall be refunded in Accordance with Section 43 of the NASD Code of Arbitration Procedure.

*Richard L. Gentry* 2/18-89