

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of Arbitration Between

ROBERT H. and JAY BAUER and ELIZABETH
BOLAND

Claimants

v.

J.W. GANT and ASSOCIATES, INC.

Respondent

AWARD NO. 88-02738

CASE SUMMARY

In a claim filed on or about August 29, 1988, Claimants (Robert and Jay Bauer and Elizabeth Boland) alleged that Respondent (J.W. Gant and Associates) misrepresented material facts in connection with the sale of securities to the claimant as part of a scheme to defraud, and further failed to execute, according to Claimants' orders, trades in Claimants' accounts. Respondent denies Claimants' allegation of a scheme to defraud, and in addition, denies all allegations of wrongdoing with regard to Claimants' accounts. Respondent asserts a counterclaim against the Claimants for attorneys fees, costs and expenses incurred in connection with this proceeding.

RELIEF REQUESTED

Claimants request damages in excess of \$300,000.00 (Three Hundred Thousand Dollars) plus fees and costs; or in the alternative, a rescission of the purchases made by Claimants along with attorneys' fees and costs.

Respondent requests payment of attorney's fees, expenses, and costs incurred in connection with this proceeding.

AWARD

On July 25 and 26, 1990 in Chicago, Illinois during a hearing lasting 4 sessions the undersigned arbitrators heard the controversy between the parties as set forth in submissions to arbitration signed on August 29, 1988 and July 25, 1990 by Claimants, and on November 29, 1988 by P. Driver on behalf of Respondent.

The arbitration panel, having considered the pleadings, the testimony, and the evidence presented at the hearing, has decided on full and final resolution of the issues submitted for determination as follows:

1. Respondent shall pay and is liable to the Claimant Robert H. Bauer for \$25,000.00 (Twenty Five Thousand Dollars and No Cents);
2. The parties shall bear their respective costs and expenses including attorneys' fees incurred in this matter;
3. No interest payments shall be paid by Respondent to Claimants;
4. No damages are awarded to Claimants E. Boland and J. Bauer;
5. Pursuant to Section 43(c) of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall retain as forum fees, the filing fee previously deposited with the NASD by the Claimant.

BY THE PANEL

Dated: July 26, 1990

S/S ROBERT C. BONGES, ESQ.
Presiding Chair

Dated: July 26, 1990

S/S Mr. Bernard J. Sullivan, CPA

Dated: July 26, 1990

S/S Ms. Miriam Beth Marcus

Date Served by the NASD: July 31, 1990