

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between
Leon Feldan

OATH AND
AWARD OF
ARBITRATOR

90-00967

Claimant

vs.

Schweitzer & Co., and L.C. Wegard & Co.

Respondents

Having been selected as an arbitrator to consider and determine the matter in controversy between the above-captioned parties, I solemnly swear or affirm that:

- I am not an employer of, employed by or related by blood or marriage to any of the parties or witnesses whose names have been disclosed to me, and
- I have no interest directly or indirectly in this proceeding, and
- I know of no existing or past financial, business, professional, family or social relationship which would impair me from performing my duties, and
- I shall consider and decide the controversy faithfully and fairly and render a just award to the best of my understanding,

CASE SUMMARY

Claimant(s) Leon Feldan alleged that Respondent(s) Schweitzer & Co., and L.C. Wegard & Co. did not give him the package of benefits that he was to be given when he bought common stock in a public offering. Respondent L.C. Wegard & Co, the underwriter in the public offering, alleges that neither a fiduciary nor contractual relationship ever existed between it and the Claimant. Respondent Schweitzer & Co., the brokerage firm who sold Claimant the stock, denies liability and raises a counterclaim against Claimant for abuse of process.

RELIEF REQUESTED

Claimant(s) Leon Feldan requested damages of either the package of benefits or alternatively to be compensated monetarily for them in the amount of Nine Thousand Five Hundred Dollars and No Cents (\$9,500.00) plus legal fees. Respondent(s) requested dismissal of claim and costs.

The undersigned being the arbitrator selected to review and determine a matter in controversy between the above-mentioned Claimant(s) and Respondent(s), set forth in a submission to Arbitration signed by the Parties on February 19, 1990 and May 18, 1990 respectively;

And, that having reviewed and considered the proofs of the Parties, including any additional documentary submissions of the Claimant(s) and the Respondent(s) has decided and determined that in full and final settlement of the above-captioned matter,

Note: Fill out only those sections which apply to this particular case: Case Number 90-00967

- 1) Case Dismissed _____
- 2) Find for the Claimant
(a) total amount of the award: \$ 5625.00 plus interest
(b) if two or more respondents are liable:
(1) joint and severally liable: yes _____ no _____
(2) if respondents separately liable
list party and the amounts: _____

- 3) Counterclaim of Respondent
(a) total amount of award: \$ _____
(b) party to receive award: _____
(c) counterclaim dismissed: _____ X
- 4) Punitive Damages
(a) total amount \$ _____
(b) name parties against whom damages are to be assessed and in what amounts: _____

- (c) claim dismissed: _____
- 5) NASD Fee
(a) assessed against Claimant _____
(b) assessed against Respondent X
- 6) Use this space to expand or clarify any part of the decision above or to indicate other forms of specific relief.

Respondent Schweitzer & Co. (Schweitzer) is liable to and shall pay to claimant Leon Feldan (Feldan) the sum of Five Thousand Six Hundred and Twenty-Five Dollars (\$5625.00). Interest shall be added to the award at the rate of Ten Percent (10%) per annum from February 3, 1989 to the date of the award. Feldan's request for payment of legal fees is denied.

Schweitzer's counterclaim against Feldan for abuse of process is dismissed with prejudice.

Feldan's claim against L.C. Wegard & Co. Inc is dismissed for failure
(continued)
Affirmation

STATE OF CALIFORNIA

} SS:
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COUNTY OF LOS ANGELES

I, Delores I. Smith, do hereby affirm upon my oath as arbitrator that I am the individual described in and who executed this instrument, which is my oath and award.

September 25, 1990
(DATE)

Delores I. Smith
(SIGNATURE OF ARBITRATOR)