

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Dean Securities, a Washington  
Limited Partnership

NASD Arbitration  
No. 91-00532

Name of Respondents

Thomas G. Nauman and Kimley M. Nauman,  
husband and wife, and their marital community; and  
Alfred G. Nauman and Evelyn F. Nauman,  
husband and wife, and their marital community

REPRESENTATION

For Claimant: Michael R. Scott, Esq., Hillis Clark Martin & Peterson, P.S.  
Seattle, Washington

For Respondents Thomas G. Nauman and Kimley M. Nauman - Howard Stambor, Esq.  
Davis Wright Tremaine - Seattle, Washington

For Respondents Alfred G. Nauman and Evelyn F. Nauman - Brian M. Baker, Esq.  
Baker, Paroutaud, Mano & McKerricher

CASE INFORMATION

Statement of Claim filed: February 19, 1991

Claimant's Submission Agreement signed on: February 7, 1991

Statement of Answer and Counter-Claim filed by Respondents, Alfred and Evelyn  
Nauman on: April 10, 1991

Statement of Answer and Counter-Claim filed by Respondents, Thomas G. Nauman and  
Kimley M. Nauman on: April 11, 1991

Respondent, Evelyn and Alfred Nauman's Submission Agreement signed on: April 9,  
1991

Respondent, Thomas Nauman's Submission Agreement signed on: April 8, 1991

Respondent, Kimley Nauman's Submission Agreement signed on: April 9, 1991

HEARING INFORMATION

Pre-Hearing Conference: None

Hearing Dates/Sessions:	July 20, 1992	Two Sessions
	July 21, 1992	Two Sessions
	July 22, 1992	Two Sessions
	July 23, 1992	Two Sessions
	<u>July 24, 1992</u>	<u>Three Sessions</u>
		<u>Eleven Sessions Total</u>

Hearing Location: Seattle, Washington

CASE SUMMARY

Attached hereto and incorporated herein by reference are Statements of Facts, Conclusions of Law and an Explanation of Ruling prepared by the arbitration panel.

RELIEF REQUESTED

SEE ATTACHED RULING.

OTHER ISSUES CONSIDERED & DECIDED

The parties have agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered. In either case, the parties have agreed to receive conformed copies of the Award while the originals remain on file with the NASD.

AWARD

After considering the pleadings, the testimony and the evidence presented at the hearing and post hearing submissions, the undersigned arbitrators have decided in full and final resolution of the issues submitted for determination as follows:

The net award to Dean Securities against Thomas Nauman is \$275,000.00, plus \$63,000.00 in attorneys' fees. The panel finds against Dean Securities in its claims against Alfred Nauman and direct the Joint Tenants With Rights of Survival account assets to be forwarded to Dr. Alfred Nauman or at his direction. The panel find in favor of Alfred Nauman in his claims against Dean Securities in the amount of \$44,070.00, plus \$8,840.00 in interest, plus attorney's fees in the amount of \$30,000.00.

The NASD shall refund Dean Securities' filing fee of \$500.00

The NASD shall refund Alfred Nauman's filing fee of \$120.00

FORUM FEES

Pursuant to Section 43c of the Code of Arbitration Procedure, the following Forum Fees are assessed:

Respondent, Thomas Nauman, is assessed and shall pay to the NASD the sum of \$6,050.00, representing an assessment for 8 hearing sessions at \$750.00 each, less the previously deposited \$750.00.

Fees are payable to the National Association of Securities Dealers, Inc.

ARBITRATORS

John Bender, Jr., Esq.

Public/Industry  
Industry Panelist  
Public Panelist  
Public Chairperson

-18-92

Date of Decision: \_\_\_\_\_

Served November 24, 1992