

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Dorene L. Lewis
Interim Personnel, Inc.

NASD Arbitration
No.91-02169

Name of Respondent

Shearson Lehman Brothers
Albert Franklin Dunlap

REPRESENTATION

For Claimants: Jeff Dennis Ferentz, Esq., and Kyle Kennerly, Greenbaum and Ferentz, Newport Beach, California.

For Respondents: Kathryn L. Krebs, Esq., Keesal, Young and Logan, Long Beach, California.

CASE INFORMATION

Statement of Claim filed: July 16, 1991

Claimants' Submission Agreements signed on: July 11, 1991

Joint Statement of Answer filed by Respondents on: October 7, 1991

Respondents' Submission Agreements signed on: None submitted.

HEARING INFORMATION

Hearing on Motion to Dismiss: June 23, 1992 - 1 Session

Evidentiary Hearing: October 20, 1992 - 2 Sessions
October 21, 1992 - 2 Sessions

Hearing Location: San Diego, California

CASE SUMMARY

Claimants alleged breach of contract, lack of suitability, failure to supervise, breach of fiduciary duty, negligence, and violation of California securities laws with respect to investments in common stocks, options, mutual funds and corporate bonds.

Respondents asserted that all claims were barred by Section 15 of the NASD Code of Arbitration Procedure as well as all applicable statutes of limitations.

RELIEF REQUESTED

Claimants requested damages of \$250,000.00, plus interest, and punitive damages of \$250,000.00.

Respondents requested all claims be deemed barred by the applicable statutes of limitations.

OTHER ISSUES CONSIDERED & DECIDED

On June 23, 1992, the undersigned arbitrators convened a hearing on Respondents' Motion to Dismiss under Section 15 of the NASD Code of Arbitration Procedure. After oral argument, the panel denied the motion and granted Respondents the right to re-assert it at the evidentiary hearing.

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, the undersigned arbitrators have decided in full and final resolution of the issues submitted for determination as follows:

1. All claims asserted by Claimants are denied, including the claims for interest and punitive damages.
2. The parties shall each bear their respective costs and fees, including attorneys' fees.

FORUM FEES

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

5 Sessions @ \$750.00 / session	=	\$3,750.00
Credit for deposits received	=	<u>\$1,700.00</u>
Balance Due	=	<u>\$2,050.00</u>

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

ARBITRATORS

<u>Name</u>	:	<u>Public/Industry</u>
James D. Knotter		Public Chairperson
		Public Panelist
		Industry Panelist

Concurring Arbitrators' Signatures

James D. Knotter

DATE SERVED: 11/30/92

Date of Decision: _____