

**N.A.S.D. AWARD**

**NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.**

In the matter of the Arbitration Between

**Name of Claimant**

Shiue - Tsz Huang

NASD Arbitration  
No. 92-01257

**Name of Respondents**

U.S. Pacific Financial Services, Inc. and Lishing Hsu

**REPRESENTATION**

For Claimant: Grace Lin, Esq.  
Alhambra, California

For Respondent: Gregory Sherwin, Esq., Fields, Fehn & Sherwin  
Los Angeles, California

**CASE INFORMATION**

Statement of Claim filed: April 10, 1992

Claimant's Submission Agreement signed: May 3, 1992

Joint Statement of Answer and Counterclaim filed by Respondent: June 25, 1992

Respondent's Submission Agreement signed: June 25, 1992

**HEARING INFORMATION**

Pre-Hearing Conference Dates / Sessions: July 20, 1993 (1 session)  
July 21, 1993 (1 session)  
July 11, 1994 (1 session)  
July 19, 1994 (1 session)  
July 20, 1994 (1 session)  
March 14, 1995 (1 session)  
April 20, 1995 (1 session)  
July 18, 1995 (1 session)

Hearing Dates / Sessions: August 10, 1995 (2 sessions)  
August 11, 1995 (3 sessions)  
September 21, 1995 (2 sessions)

Hearing Location: Los Angeles, California

#### **CASE SUMMARY**

Claimant alleged that Respondents failed to follow Claimant's instructions, violated Regulation T concerning recommendations that Claimant trade beyond his financial capabilities, and failed to purchase securities per Claimant's instructions.

Respondents denied all of the Claimant's claims and alleged that Claimant owed Respondent an unsecured debit balance.

#### **RELIEF REQUESTED**

Claimant sought damages of \$156,000.00, attorney's fees, and reasonable costs and disbursements.

Respondents requested dismissal of Claimant's claims and that Respondent be awarded \$28,500.00 together with interest and attorney's fees and costs of suit.

#### **OTHER ISSUES CONSIDERED AND DECIDED**

The parties have agreed that the Award in this matter may be executed in either 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 original remains 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 of Claimant's claims against Respondents, other than those claims for libel and malicious prosecution are dismissed. The Panel determined that it lacked jurisdiction to hear Claimant's claims for libel and malicious prosecution.
2. All of the Respondent's claims against the Claimant are dismissed.
3. The parties shall each bear their respective costs including attorney's fees.

Hearing Dates / Sessions: August 10, 1995 (2 sessions)  
August 11, 1995 (3 sessions)  
September 21, 1995 (2 sessions)

Hearing Location: Los Angeles, California

### **CASE SUMMARY**

Claimant alleged that Respondents failed to follow Claimant's instructions, violated Regulation T concerning recommendations that Claimant trade beyond his financial capabilities, and failed to purchase securities per Claimant's instructions.

Respondents denied all of the Claimant's claims and alleged that Claimant owed Respondent an unsecured debit balance.

### **RELIEF REQUESTED**

Claimant sought damages of \$156,000.00, attorney's fees, and reasonable costs and disbursements.

Respondents requested dismissal of Claimant's claims and that Respondent be awarded \$28,500.00 together with interest and attorney's fees and costs of suit.

### **OTHER ISSUES CONSIDERED AND DECIDED**

The parties have agreed that the Award in this matter may be executed in either 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 original remains 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 of Claimant's claims against Respondents, other than those claims for libel and malicious prosecution are dismissed. The Panel determined that it lacked jurisdiction to hear Claimant's claims for libel and malicious prosecution.
2. All of the Respondent's claims against the Claimant are dismissed.
3. The parties shall each bear their respective costs including attorney's fees.

### FORUM FEES

Pursuant to Section 43(c) of the Code of Arbitration Procedure, the following forum fees are assessed:

Eight (8) pre-hearing conferences @ \$300.00/session	=	\$2,400.00
Seven (7) hearing sessions @ \$750.00/session	=	<u>\$5,250.00</u>
Total fees	=	\$7,650.00

Claimant is assessed fees for one-half of one pre-hearing conference and one-half of all hearing sessions as follows:

One-half share of one pre-hearing conference	=	\$ 150.00
One-half share of seven hearing sessions	=	<u>\$2,625.00</u>
Claimant's Assessed Share	=	\$2,775.00
Credit for hearing deposit	=	<u>\$ 750.00</u>
Claimant's Balance Due	=	\$2,025.00

Respondents are assessed fees for seven and one-half pre-hearing conferences and one-half of all hearing sessions as follows:

Seven and one-half pre-hearing conferences	=	\$2,250.00
One-half share of seven hearing sessions	=	<u>\$2,625.00</u>
Respondents' assessed share	=	\$4,875.00
Credit for hearing deposit	=	<u>\$ 600.00</u>
Respondents' balance due	=	\$4,275.00

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

### ARBITRATORS

<u>Name</u>	<u>Public / Industry</u>
John E. Ohashi, Esq.	Public Arbitrator
John P. McShane	Industry Arbitrator
Ronald L. Cameron	Public Arbitrator

### Concurring Arbitrators' Signatures

  
\_\_\_\_\_  
John E. Ohashi, Esq.

  
\_\_\_\_\_  
John P. McShane

\_\_\_\_\_  
Ronald L. Cameron

Date of Decision: 10/18/95

### FORUM FEES

Pursuant to Section 43(c) of the Code of Arbitration Procedure, the following forum fees are assessed:

Eight (8) pre-hearing conferences @ \$300.00/session	=	\$2,400.00
Seven (7) hearing sessions @ \$750.00/session	=	<u>\$5,250.00</u>
Total fees	=	\$7,650.00

Claimant is assessed fees for one-half of one pre-hearing conference and one-half of all hearing sessions as follows:

One-half share of one pre-hearing conference	=	\$ 150.00
One-half share of seven hearing sessions	=	<u>\$2,625.00</u>
Claimant's Assessed Share	=	\$2,775.00
Credit for hearing deposit	=	<u>\$ 750.00</u>
Claimant's Balance Due	=	\$2,025.00

Respondents are assessed fees for seven and one-half pre-hearing conferences and one-half of all hearing sessions as follows:

Seven and one-half pre-hearing conferences	=	\$2,250.00
One-half share of seven hearing sessions	=	<u>\$2,625.00</u>
Respondents' assessed share	=	\$4,875.00
Credit for hearing deposit	=	<u>\$ 600.00</u>
Respondents' balance due	=	\$4,275.00

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

### ARBITRATORS

Name	Public / Industry
John E. Ohashi, Esq.	Public Arbitrator
John P. McShane	Industry Arbitrator
Ronald L. Cameron	Public Arbitrator

### Concurring Arbitrators' Signatures

\_\_\_\_\_  
John E. Ohashi, Esq.

\_\_\_\_\_  
John P. McShane

\_\_\_\_\_  
Ronald L. Cameron

Date of Decision: 10/18/95