

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the matter of the Arbitration Between

Name of Claimants

Wilder Barnes
Virginia B. Wanbaugh

vs.

NASD Arbitration
#92-01623

Name of Respondents

Dean Witter Reynolds, Inc.
Jesse Blount, III

REPRESENTATION

For Claimants: Terence M. Kane, Esq., Ferrari, Alvarez, Olsen & Ottoboni,
San Jose, California

For Respondents: Wendy R. Robinson, Esq., Dean Witter Reynolds, Inc.,
San Francisco, California

CASE INFORMATION

Statement of Claim filed: July 6, 1992
Amended Claim filed: August 13, 1992

Claimants' Submission Agreements signed: Wilder Barnes: June 2, 1994
Virginia Wanbaugh: April 24, 1992

Joint Statement of Answer filed: June 23, 1993
Joint Answer to Amended Claim filed: May 19, 1994

Respondents' Submission Agreements signed: Dean Witter Reynolds: June 22, 1993
Jesse Blount: June 23, 1993

HEARING INFORMATION

Hearing dates/sessions: June 7, 1994 - 2 sessions
July 18, 1994 - 2 sessions
July 19, 1994 - 2 sessions

Hearing location: San Francisco, California

CASE SUMMARY

Claimant Wilder Barnes, joint account holder, trustee of Virginia Wanbaugh's living trust, and only heir of the now-deceased Mrs. Wanbaugh, alleged that Respondents sold Mrs. Wanbaugh investments that were not suitable for a woman of her age, financial status, and financial sophistication. Allegations of churning and failure to supervise were also made against Respondents. The investments at issue included mutual funds, limited partnerships, and common stocks.

Respondents denied all allegations of wrongdoing, and asserted that claimant Wanbaugh, the owner of all assets in the account at issue, made investment decisions after discussion with her broker, Mr. Blount.

RELIEF REQUESTED

Claimants requested damages, as amended, in the amount of \$57,430 plus punitive damages and emotional distress damages.

Respondents requested dismissal of all claims.

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 received 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, including the claim for punitive damages, asserted by Claimants are dismissed in their entirety.
2. The parties shall each bear their respective costs, including attorney's fees.

FORUM FEE

Pursuant to Section 43(c) of the Code of Arbitration Procedure, the NASD shall retain the \$150 non-refundable filing fee previously paid by Claimant. Forum fees are to be split between the parties as follows:

Total fees:	
6 sessions @ \$500/session	\$3000
Claimants' one-half share	\$1500
Credit for deposit	<u>500</u>
Balance due	\$1000

Respondent Dean Witter's one-half share	\$1500

Fees are payable to the NASD, Inc.

ARBITRATORS

<u>Name</u>	<u>Public / Industry</u>
Robert Gorman	Public .
Arturo Maimoni	Public
Robert K. Bourne, Jr.	Industry

Concurring Arbitrators Signatures

Robert Gorman

Robert Gorman

Arturo Maimoni

Robert K. Bourne, Jr.

Date of Decision: _____

Date Served: 08/05/94