

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Sheila Georgette Sadler
a/k/a Sheila G. Neitzel

NASD #93-00154

vs.

AWARD

Name of Respondent

David A. Nesson

REPRESENTATION

For Claimant: IN PRO SE

For Respondent: John P. Cione, Esq., of Solana, California

CASE INFORMATION

Statement of Claim filed: January 14, 1993

Claimant's Submission Agreement signed: December 30, 1992

Statement of Answer filed by Respondents: April 21, 1993

Counter-claim filed by Respondent on: June 22, 1993

HEARING INFORMATION

Pre-hearing Conference Date/Session: September 10, 1993
(one session)

Hearing Date/(Sessions): November 15, 1993 (one session)
February 3, 1994 (one session)

Hearing Location: Los Angeles, California

CASE SUMMARY

Claimant alleges that Respondent was given specific instructions to maintain a money market account for Claimant and to only invest the interest off the principal. Claimant alleged that the Respondent did not follow said instruction, which lead to losses in her account.

Respondent denied each and every allegation of the claim and alleged that all the trades made in Claimant's account were authorized and that no specific instructions as to the source of the funds for investments were given.

On January 21, 1994 the Respondent submitted a Counter-claim against Claimant. Said Counter-claim was referred to the panel for their decision as to the timeliness of the filing.

RELIEF REQUESTED

Claimant seeks recovery according to proof.

Respondent seeks dismissal of the claim in its entirety.

OTHER ISSUES CONSIDERED & DECIDED

On November 15, 1993, the parties appeared for the hearing. However, the NASD was notified that one of the arbitrators was hospitalized the prior evening. The parties decided not to stipulate to a two person panel. The hearing was postponed until a replacement arbitrator could be assigned.

On February 3, 1994, the Panel denied Respondent's motion to allow the filing of his Counter-claim.

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. Each and every claim of Claimant, Sheila Georgette Sadler a/k/a Sheila G. Neitzel, against Respondent, David A. Nesson, are dismissed without prejudice for Claimant's failure to comply with the discovery order. All discovery items are to be returned to the party producing the items.

2. Claim to be expunged from all records relating to Respondent.

3. The NASD shall refund to Respondent the hearing session deposit which accompanied the Counter-claim which was not accepted by the Panel.

4. The NASD shall retain Claimant's fees and deposits.

5. The parties shall each bear their respective costs and fees.

OTHER COSTS

None.

FORUM FEES

Pursuant to Section 44c of the Code of Arbitration Procedure, The National Association of Securities Dealers, Inc. shall retain the \$150 non-refundable filing fee. The \$500 hearing session deposit previously deposited by the claimant shall be retained.

ARBITRATION PANEL

<u>Name</u>	<u>Public/Industry</u>
Wayne Gallop	Public Arbitrator
Ruth Lavell	Public Arbitrator
Luis Ruiz	Industry Arbitrator

Concurring Arbitrators' Signature

Wayne Gallop

Ruth Lavell

Luis Ruiz