

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the matter of the Arbitration Between

Name of Claimants

Jourdain B. DeWerd

Steven P. Cesinger

NASD Arbitration

No.93-00216

Name of Respondent

Sutro & Co., Inc.

REPRESENTATION

For Claimants: Michael J. Faber, Esq., Yuhl, Faber & Yuhl, Santa Monica, California

For Respondent: Thomas J. Kavalier, Esq., Cahill Gordon & Reindel, New York, New York

CASE INFORMATION

Statement of Claim filed: January 21, 1993

Claimants' Submission Agreement signed: December 15, 1992

Statement of Answer filed: April 14, 1993

Respondent's Submission Agreement signed: May 14, 1993

Statement of Claim filed

Claimants' Submission

Statement of Answer filed

Respondent's Submission

HEARING INFORMATION

Hearing Dates/ Sessions: September 28, 1993 - 2 sessions

September 29, 1993 - 2 sessions

Hearing location: Los Angeles, California

CASE SUMMARY

Claimants allege that, as a result of Respondent's change in the incentive compensation plan during their employ, Respondent owes them compensation including commissions, finder's fees, future earnouts and consulting payments.

Respondent denied all allegations of wrongdoing and denies all liability to Claimants. Respondent admits it changed its incentive compensation plan for employees during the term of Claimants' employment, but asserts that the business for which Claimants seek compensation under the old plan was actually conducted after the new incentive compensation plan was put into effect.

RELIEF REQUESTED

Claimant DeWerd requested commissions due of \$208,120; Claimant Cesinger requested commissions due of \$343,870 plus future earnout and consulting payments; both Claimants also requested payment of a finder's fee.

Respondent requested dismissal of all claims.

OTHER ISSUES CONSIDERED AND DECIDED

At the conclusion of Claimants' case, Respondent moved for dismissal. The undersigned panel of arbitrators granted the motion dismissing all claims against Sutro & Co.

FORUM FEES

Pursuant to Section 44(c) of the Code of Arbitration Procedure, the NASD shall retain the \$500 filing fee previously deposited by Claimants. All forum fees are to be split as follows:

Total forum fees:

4 sessions @ \$1,000 / session

\$4,000.00

Claimants' one-half share

\$2,000.00

Credit for deposit received

(\$1,000.00)

Balance due

\$1,000.00

Respondent's one-half share

\$2,000.00

Agreement signed: December 15, 1993

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

ARBITRATORS

Name

Philip Saltz

Werner E. Keller

William E. Shipley

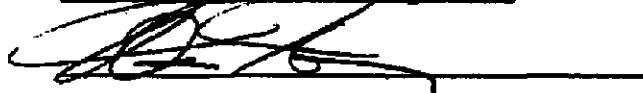
Public / Industry

Industry Chairperson

Industry Panelist

Industry Panelist

Concurring Arbitrators' Signatures



Date Served; 10/26/93