

**AWARD**

**NASD REGULATION, INC., OFFICE OF DISPUTE RESOLUTION**

In the matter of the Arbitration Between

Name of Claimant

Craig R. Whited

v.

Arbitration No.  
93-00465

Name of Respondent

Bear Stearns & Company, Inc.

**REPRESENTATION**

For Claimant:

Robert A. Graham, Jr., Esq.  
Arcadia, California

For Respondent:

Terry Ross, Esq.  
Keesal, Young & Logan  
Long Beach, California

**CASE INFORMATION**

Statement of Claim filed:	February 5, 1993
Claimant's Submission Agreement signed:	February 3, 1993
Statement of Answer filed by Respondent:	April 16, 1993
Respondent's Submission Agreement signed:	March 22, 1993

### **HEARING INFORMATION**

Pre-Hearing Conference Dates / Sessions: April 14, 1997 (1 Session)  
April 18, 1997 (1 Session)  
April 23, 1997 (1 Session)

Hearing Dates / Sessions: July 21, 1997 (2 Sessions)  
July 22, 1997 (1 Session)

Hearing Location: Los Angeles, California

### **CASE SUMMARY**

Claimant alleged that Respondent engaged in fraud, misrepresentation, and recommended unsuitable stock, namely common stock of Pioneer Savings Bank.

Respondent denied the allegations of wrongdoing found in the Claimant's Statement of Claim.

### **RELIEF REQUESTED**

Claimant requested compensatory damages of \$323,222.00, interest, and the lost opportunity cost of an investment plan that met Claimant's needs and objectives. Claimant also requested punitive damages of \$100,000.00.

Respondent's Statement of Answer did not request any specific relief.

### **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 Regulation, Inc., Office of Dispute Resolution.

## **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. Having reviewed the written and oral submissions relating to Respondent's Motion to Dismiss based on the Statute of Limitations grounds, the Arbitration Panel finds that the Claimant's claims are time-barred. Therefore, all of the Claimant's claims are denied in their entirety.
2. The parties shall each bear their own costs, including attorney's fees.

## **FORUM FEES**

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

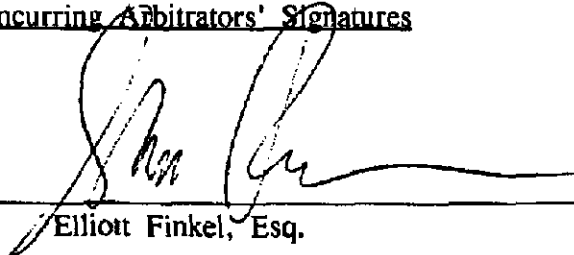
One One-Member Panel Pre-Hearing Conference Session @ \$300.00/Session	=	\$300.00	Member Pre-Hearing Session
Two Full-Panel Pre-Hearing Conference Sessions @ \$750.00/Session	=	\$1,500.00	Full-Panel Pre-Hearing Session
Three Hearing Sessions @ \$750.00/Session	=	\$2,250.00	Hearing Session
<b>Total Fees Assessed</b>	=	<b>\$4,050.00</b>	Assessed
Claimant's one-half share	=	\$2,025.00	one half share
Credit for Hearing Session Deposit	=	(\$750.00)	Hearing Session Deposit
<b>Claimant's Total Balance Due</b>	=	<b>\$1,275.00</b>	Total Balance Due
Respondent's one-half share	=	\$2,025.00	one half share
<b>Respondent's Total Balance Due</b>	=	<b>\$2,025.00</b>	Total Balance Due

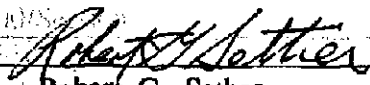
Fees are payable to NASD Regulation, Inc.


**ARBITRATORS**

<u>Name</u> .....	<u>Public / Industry</u>
Elliott Finkel, Esq.	Public
Robert G. Sether	Public
Luther Delano Prater	Industry

**Concurring Arbitrators' Signatures**

  
\_\_\_\_\_  
Elliott Finkel, Esq.

  
\_\_\_\_\_  
Robert G. Sether

  
\_\_\_\_\_  
Luther Delano Prater

Date of Service: 7-22-97