

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the matter of the Arbitration Between

Name of Claimant(s)

Sylvia Farber

NASD Arbitration
No. 93-01649

Name of Respondent(s)

Dean Witter Reynolds, Inc.

REPRESENTATION

For Claimant: Philip M. Aidikoff, Esq. and Robert A. Uhl, Esq.,
Aidikoff & Kesluk, Los Angeles, California

For Respondent: Janet T. Epstein, Esq., Dean Witter Reynolds, Inc.,
San Francisco, California

CASE INFORMATION

Statement of Claim filed: April 15, 1993

Claimant's Submission Agreement signed: April 6, 1993

Statement of Answer filed by Respondent: June 2, 1993

Respondent's Submission Agreement signed: June 2, 1993

HEARING INFORMATION

Pre-Hearing Conference Date(s)/Session(s):
February 3, 1994 (one session)

Hearing Date(s)/Session(s): February 17, 1994 (two sessions)

Hearing Location: Los Angeles, California

CASE SUMMARY

Claimant alleged that Respondent's agent failed to follow Claimant's instructions with respect to the sale of Superior Industrial International (Superior) stock. Claimant further alleged lack of suitability of the sales of Superior; breach of fiduciary duty; negligence; fraud; breach of contract; failure to supervise;

violation of Federal Securities Laws, including but not limited to Section 10 of the Securities and Exchange Act of 1934 and Rule 10(b)-5 promulgated thereunder and Section 12(s) of the Securities Act of 1933 and California Corporations Code, Sections 25401, 25500, 25501, 25502, 25504, Sections 1, 2, 18 and 27 of Article III of the National Association of Securities Dealers, Inc. (NASD) Rules of Fair Practice and Rule 405 of the New York Stock Exchange.

Respondent denied Claimant's allegations and alleged that its agent followed Claimant's instructions at all times and never misrepresented his actions to Claimant. Respondent also asserted affirmative defenses.

RELIEF REQUESTED

Claimant requested:

1. General and compensatory damages of \$19,191.00;
2. Interest on any sums recovered from January 14, 1992 to the date of any arbitration award;
3. Costs of proceedings;
4. Punitive damages in an amount according to proof, but not less than \$250,000.00;
5. Attorney's fees and costs; and
6. Such other and further relief as the panel deems just and appropriate.

Respondent requested dismissal of Claimant's claims.

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 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 by Claimant, including the claim for punitive damages, are dismissed.
2. 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: The NASD shall retain the \$750.00 hearing session deposit previously deposited by Claimant as costs of this proceeding.

ARBITRATORS

<u>Name</u>	<u>Public / Industry</u>
Walter S. Weiss, Esq.	Public Arbitrator
Donald S. Simons, Esq.	Public Arbitrator
Michael W. Burnett, PhD	Industry Arbitrator

Concurring Arbitrators' Signatures



Walter S. Weiss, Esq.

Donald S. Simons, Esq.

Michael W. Burnett, PhD

Date of Decision: _____

Date Served: 03/15/94