

N.A.S.D. AWARD

5/9,
96055415

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the matter of the Arbitration Between

© National Association of
Securities Dealers, Inc.

Name of Claimant

Ron Orin

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v.

NASD Arbitration
No. 95-3099

Name of Respondent(s)

Bear Stearns & Co., Inc., Bear Stearns Securities Corp., Leumi Securities, and Private Brokers
Clearing Corp.

REPRESENTATION

For Claimant: Steven V. Rheuban, Esq.
Los Angeles, California

For Respondent: Terry Ross and Jill Olofson
Keesal, Young & Logan
Long Beach, California

CASE INFORMATION

Amended Statement of Claim filed: June 26, 1995

Claimant's Submission Agreement signed: June 9, 1995

Statement of Answer, Third Party Claim
and Motion to Dismiss to the Amended
Statement of Claim filed by Respondents
Bear Stearns & Co., Inc. and Bear
Stearns Securities Corp. : October 17, 1995

Respondent Bear Stearns & Co. 's
Submission Agreement signed: October 19, 1995

Statement of Answer filed by Respondent
Private Brokers Clearing Corp. :

October 17, 1995

Respondent Private Brokers Clearing
Corp. 's Submission Agreement signed:

October 17, 1995

HEARING INFORMATION

Pre-Hearing Conference Dates / Sessions: March 22, 1996 (1 Session)
 April 10, 1996 (1 Session)

Hearing Dates / Sessions: April 15, 1996 (2 Sessions)
 April 16, 1996 (2 Sessions)
 April 17, 1996 (1 Sessions)
 April 18, 1996 (1 Sessions)
 April 19, 1996 (2 Sessions)

Hearing Location: Los Angeles, California

CASE SUMMARY

Claimant alleged that Respondents improperly stopped the sale and transfer of Aspen Marine Group, Inc. stock; incorrectly informed Claimant that he could not transfer the stock and that it had been seized; did not give Claimant timely information that the 2,000,000 shares were available for transfer prior to July 25, 1994; caused untimely delay in ultimately transferring 1,000,000 shares of stock pursuant to Claimant's instructions; republished defamatory information with respect to Claimant; and unilaterally cancelled Claimant's brokerage account.

Respondents denied all of the Claimant's allegations of wrongdoing.

RELIEF REQUESTED

Claimant requested damages of \$999,999.99 and unspecified damages allegedly caused by the delay in Respondents' carrying out Claimant's instructions and by reason of the alleged defamation by Respondents.

Respondents requested dismissal of all of Claimants claims and an award of costs and attorney's fees incurred.

11/25/96

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.

Respondents Leurni Securities and Private Brokers Clearing Corp. were dismissed by Claimant prior to the commencement of the first hearing session.

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. Claimant is awarded and Respondent Bear Stearns & Co., Inc. shall pay Claimant the sum of **\$6,000.00**.
2. Claimant is awarded and Respondent Bear Stearns & Co., Inc. shall pay interest on the award at 10% from July 15, 1996 to April 19, 1996.
3. The Arbitration Panel found that Claimant's allegation of defamation was without merit.
4. Claimant's claim for punitive damages is denied in its entirety.
5. 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:

| | | |
|--|---|-------------------|
| Two Pre-hearing Conference Sessions @ \$300.00/Session | = | \$ 600.00 |
| <u>Eight Hearing Sessions @ \$1,000.00/Session</u> | = | <u>\$8,000.00</u> |
| Total Forum Fees Assessed | = | <u>\$8,600.00</u> |

Forum Fees are assessed against Respondent Bear Stearns & Co., Inc. in the amount of \$8600.00. Claimant shall receive a refund of the hearing session deposit from the NASD in the amount of **\$1,000.00**.

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

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ARBITRATORS

| Name | Public / Industry |
|--------------------|----------------------------|
| Gwendolyn J. Bandt | Industry Arbitrator |
| Merton A. Bobo | P u b l i c - |
| Joseph H. Hoff | Public Arbitrator |

Concurring Arbitrators' Signatures


Gwendolyn J. Bandt

Merton A. Bobo

Joseph H. Hoff

Date of Decision: April 19, 1996

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ARBITRATORS

| Name | Public / Industry |
|--------------------|---------------------|
| Gwendolyn J. Bandt | Industry Arbitrator |
| Merton A. Bobo | Public Arbitrator |
| Joseph H. Hoff | Public Arbitrator |

Concurring Arbitrators' Signatures

Gwendolyn J. Bandt

_____ 

Merton A. Bobo

Joseph H. Hoff

Date of Decision: _____

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ARBITRATORS

| <u>Name</u> | <u>Public / Industry</u> |
|--------------------|--------------------------|
| Gwendolyn J. Bandt | Industry Arbitrator |
| Merton A. Bobo | Public Arbitrator |
| Joseph H. Hoff | Public Arbitrator |

Concurring Arbitrators' Signatures

Gwendolyn J. Bandt

Merton A. Bobo



Joseph H. Hoff

Date of Decision: 5/8/96

1005045

Gwendolyn J. Bandt

Merton A. Bobo

Joseph H. Hoff

Date of Decision:

The following Arbitrator(s) concur.(s) with the award:

Merton A. Bobo, Esq.

Joseph H. Hoff

Gwendolyn J. Bandt

The following Arbitrator(s) dissent(s) with the award,:

none