

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the matter of the Arbitration Between

Name of Claimants

Lawrence Tabak and Vitalife, Inc.

v.

NASD Arbitration
No. 95-05547

Name of Respondents

H.D. Brous and Company Inc., Howard D. Brous, Angelo Paul Koupas and David Soiferman

REPRESENTATION

For Claimants:

H. Thomas Fehn, Esq.
Fields, Fehn & Sherwin
Los Angeles, California

For Respondents:

Keith Olin, Esq.
Morgan, Lewis & Bockius LLP
Miami, Florida

CASE INFORMATION

Statement of Claim filed: November 24, 1995

Amended Statement of Claim filed: September 10, 1996

Claimant Lawrence Tabak's
Submission Agreement signed: November 14, 1995

Claimant Vitalife, Inc.'s Submission Agreement signed: December 13, 1995

Joint Statement of Answer filed by Respondents: February 7, 1996

Joint Statement of Answer to
Amended Statement of Claim filed by Respondents: October 3, 1996

Respondent H.D. Brous and Company, Inc.'s
Submission Agreement signed:

February 15, 1996

Respondent H.D. Brous'
Submission Agreement signed:

February 22, 1996

Respondent Angelo Paul Koupas'
Submission Agreement signed:

January 10, 1996

Respondent David Soiferman's
Submission Agreement signed:

January 16, 1996

HEARING INFORMATION

Pre-Hearing Conference Date / Session:

August 28, 1996 (1 session)
September 24, 1996 (1 session)

Hearing Dates / Sessions:

December 17, 1996 (2 sessions)
December 18, 1996 (2 sessions)

Hearing Location:

Los Angeles, California

CASE SUMMARY

Claimants alleged that Respondents breached their fiduciary duty to Claimants and misrepresented the nature of the securities and trading in the accounts. Claimants also alleged that Respondents recommended unsuitable investments to Claimants. Claimants further alleged that Respondent H.D. Brous and Company, Inc. failed to properly supervise its employees.

Respondents denied the allegations of wrongdoing found in the Claimants' Amended Statement of Claim.

RELIEF REQUESTED

Claimants sought rescission of the purchase price for the two purchases of Bumm International in the approximate amount of \$265,000.00. Claimants further requested exemplary damages, costs and reasonable attorney's fees.

Respondents requested that the Amended Statement of Claim be denied in all respects, that Claimants be ordered to bear all forum fees and costs and that Respondents be awarded their attorney's fees.

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.

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 of the Claimants' claims, including the claim for exemplary damages, are denied in their entirety.
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 against Claimants:

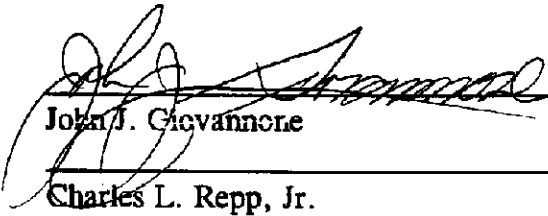
Two Pre-hearing Conference @ \$750.00/Session	=	\$1,500.00
<u>Four Hearing Sessions @ \$750.00/Session</u>	=	<u>\$3,000.00</u>
Total Fees Assessed Against Claimants:	=	\$4,500.00
 <u>Credit for hearing session deposit</u>	=	 <u>\$ 750.00</u>
Claimants' Balance Due	=	\$3,750.00

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

ARBITRATORS

<u>Name</u>	<u>Public / Industry</u>
John J. Giovannone.....	Public Arbitrator
Charles L. Repp, Jr.....	Public Arbitrator
Basil Lewis.....	Industry Arbitrator

Concurring Arbitrators' Signatures



John J. Giovannone

Charles L. Repp, Jr.

Basil Lewis

Date of Decision: _____

Date of Service: _____

ARBITRATORS

<u>Name</u>	<u>Public / Industry</u>
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Charles L. Repp, Jr.....	Public Arbitrator
Basil Lewis.....	Industry Arbitrator

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Basil Lewis

Date of Decision: 12/18/96

Date of Service: _____

ARBITRATORS

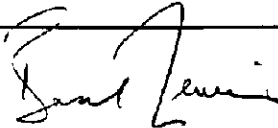
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Date of Decision: 12/18/96

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