

NASD REGULATION, INC. OFFICE OF DISPUTE RESOLUTION AWARD

NASD REGULATION, INC. OFFICE OF DISPUTE RESOLUTION

In the matter of the Arbitration Between

Name of Claimants

S. Charles Dwyer

v.

NASD Regulation, Inc.
Office of Dispute Resolution
Arbitration No.96-00541

Name of Respondents

Bear Stearns & Co., Inc. and Robert R. Susnar

REPRESENTATION

For Claimant:

William F. Davis, Esq.
Law Office of William F. Davis
Pacific Palisades, California

For Respondent Bear Stearns & Co., Inc.:

Timothy N. Will, Esq.
Keesal Young & Logan
Long Beach, California

For Respondent Robert R. Susnar, III:

Robert R. Susnar, III
Pasadena, California

CASE INFORMATION

Statement of Claim filed:

February 6, 1996

Claimant's Submission Agreement signed:

December 28, 1994

Statement of Answer filed by Respondent
Bear Stearns & Co., Inc.:

March 20, 1996

Respondent Robert R. Susnar's Adoption of the
Answer of Bear Stearns & Co., Inc.:

July 15, 1996

Respondent Bear Stearns & Co., Inc.'s
Submission Agreement signed:

March 22, 1996

HEARING INFORMATION

Pre-Hearing Conference Date / Session: September 26, 1996 (1 session)

Hearing Dates / Sessions: February 3, 1997 (2 sessions)
February 4, 1997 (2 sessions)

Hearing Location: Los Angeles, California

CASE SUMMARY

Claimant alleged that Respondents engaged in unauthorized trading, breach of contract and breach of fiduciary duty. Claimant further alleged that Respondents were negligent and committed fraud. Claimant also alleged that Respondent Bear Stearns & Co., Inc. failed to properly supervise its registered representative.

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

RELIEF REQUESTED

Claimant requested compensatory damages of not less than \$120,561.00, punitive damages, interest at the California legal rate of ten percent and expert and attorney's fees and costs.

Respondents requested that the Claimant's Statement of Claim be dismissed and that the costs of the proceeding be assessed against Claimant.

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.

Respondent presented a Motion to Dismiss at the hearing on February 4, 1997. Pursuant to the suggestion of Claimant's counsel, the motion was accepted by the panel as a motion to amend the pleadings to add the affirmative defense that the Medizone claim should be barred for failure to comply with the applicable statute of limitations.

Claimant withdrew his claim for punitive damages.

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 the Claimant's claims 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 Claimant:

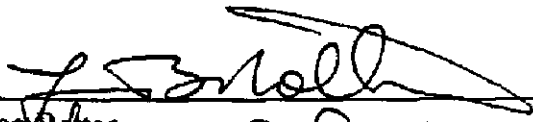
One Pre-Hearing Conference @ \$750.00/session	=	\$ 750.00
Four Hearing Sessions @ 750.00/session	=	\$3,000.00
Total Fees Assessed against Claimant	=	\$3,750.00

Fees are payable to the NASD Regulation, Inc.


ARBITRATORS

<u>Name</u>	<u>Public / Industry</u>
Leo Rotter	Industry Arbitrator
Frank Smith, Esq.	Public Arbitrator
Wendy Kohn, Esq.	Public Arbitrator

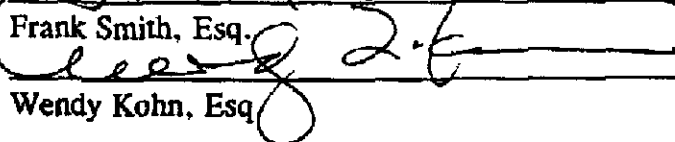
Concurring Arbitrators' Signatures



Leo Rotter



Frank Smith, Esq.



Wendy Kohn, Esq.

Date of Decision: _____

Date of Service: _____