

**AWARD**

**NASD REGULATION, INC.**

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In the matter of the Arbitration Between

Name of Claimant(s)

Saguaro Asset Holding I

Arbitration  
No. 96-01222

Name of Respondent(s)

BA Investment Services, Inc.

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**REPRESENTATION**

For Claimant: Ralph D. Davis, Las Vegas, Nevada

For Respondent: Diana L. Sullivan, Esq., Jones Vargas, Las Vegas,  
Nevada

**CASE INFORMATION**

Statement of Claim filed on or about: March 20, 1996

Supplement to Claim filed on or about: March 26, 1996

Amendment to Statement of Claim filed: May 21, 1997

Claimant's Reply to Motion to Dismiss Arbitration Claim, or in the  
alternative, Motion for Summary Judgment filed: April 18, 1998

Claimant's Submission Agreements signed: March 15, 1996, May 7,  
1996 and October 9, 1997

Statement of Answer filed by Respondent: December 11, 1997

Respondent's Motion to Dismiss Arbitration Claim, or in the  
alternative, Motion for Summary Judgment filed: April 13, 1998

Respondent's Submission Agreement signed: November 19, 1997

### HEARING INFORMATION

Pre-Hearing Conference Date(s)/Session(s):  
December 17, 1996 (one session)  
February 17, 1998 (one session)

Hearing Date(s)/Session(s): March 24, 1997 (one session)

Hearing Location: Las Vegas, Nevada

### CASE SUMMARY

Respondent's Motion to Dismiss Arbitration Claim, or in the alternative, Motion for Summary Judgment alleged that Claimant's Arbitration Claim failed to state any recognizable claim against Respondent.

### RELIEF REQUESTED

Claimant's Claim requested approximately \$750,000.00 in compensatory and punitive damages.

### OTHER ISSUES CONSIDERED AND DECIDED

On or about May 21, 1997, Claimant dismissed his claims against IDS Financial Services Inc.

### AWARD

After considering the pleadings and motion papers filed by the parties, the undersigned arbitrators have decided in full and final resolution of the issues submitted for determination as follows:

1. On May 4, 1998, the panel reviewed and considered the positions of the parties relative to Respondent BA Investment Services, Inc.'s Motion to Dismiss Arbitration Claim, or in the alternative, Motion for Summary Judgment. The panel dismissed Claimant's Statement of Claims without prejudice for failure to state a claim.

2. The parties shall each bear their respective costs including attorney's fees.

### FORUM FEES

Pursuant to Section 10332(c) of the Code of Arbitration Procedure, the following forum fees are assessed: NASD Regulation,

Inc. shall refund Claimant's hearing session deposit in the amount of \$1,000.00. Forum fees are assessed against Respondent BA Investment Services, Inc. in the amount of \$3,000.00, calculated as follows: Two pre-hearing sessions times \$1,000.00, plus one hearing session times \$1,000.00.

Fees are payable to NASD Regulation, Inc.

**ARBITRATORS**

Name . . . . . Public / Industry

Douglas Edwards, Esq.	Public Arbitrator
Charles B. Shryock	Public Arbitrator
Alan S. Mann	Industry Arbitrator

**Concurring Arbitrators' Signatures**

\_\_\_\_\_  
Douglas Edwards, Esq.

\_\_\_\_\_  
Charles B. Shryock

\_\_\_\_\_  
Alan S. Mann

Date of Decision: 5-8-98

Date Served: June 1, 1998

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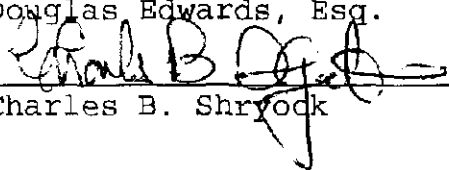
Fees are payable to NASD Regulation, Inc.

ARBITRATORS

Name	Public / Industry
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Charles B. Shryock	Public Arbitrator
Alan S. Mann	Industry Arbitrator

Concurring Arbitrators' Signatures

\_\_\_\_\_  
Douglas Edwards, Esq.

  
\_\_\_\_\_  
Charles B. Shryock

\_\_\_\_\_  
Alan S. Mann

Date of Decision: MAY 4, 1998

Date Served: June 1, 1998

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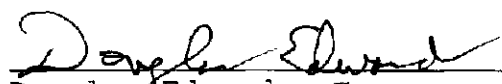
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Charles B. Shryock

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Alan S. Mann

Date of Decision: \_\_\_\_\_

**Date Served: June 1, 1998**