

AWARD

NASD Regulation, Inc. Office of Dispute Resolution

In the Matter of the Arbitration Between

Name of Claimant

Daniel F. Rogers

and

96-02532

Name of Respondent

Wood Logan Associates, Inc.
Ronald W. Schantz

REPRESENTATION OF PARTIES

Daniel F. Rogers ("Claimant") was represented by Dennis Paul Pelowski, Esq., Minneapolis, Minnesota.

Wood Logan Associates, Inc. ("Respondent Wood Logan") and Ronald W. Schantz ("Respondent Schantz") were represented by James D'A. Murphy, Esq., Curtis Brinckerhoff & Barrett, P.C., Stanford, Connecticut and Shirley Lerner, Esq., Meagher & Geer, Minneapolis, Minnesota.

CASE INFORMATION

The Statement of Claim was filed on or about June 13, 1996. Submission Agreement of Claimant Daniel F. Rogers was signed on June 11, 1996.

Statement of Answer was filed by Respondents Wood Logan Associates, Inc. and Ronald W. Schantz on or about August 28, 1996. Submission Agreement of Respondent Wood Logan Associates, Inc. was signed on September 6, 1996 by
Submission Agreement of Respondent Ronald W. Schantz was signed on September 10, 1996.

HEARING INFORMATION

A pre-hearing conference was held on September 11, 1997, Arlen Restad, presiding.

The hearing was held on November 3, 1997 for two (2) sessions, November 4, 1997 for three (3) sessions, November 5, 1997 for three (3) sessions, November 6, 1997 for two (2) sessions, November 7, 1997 for two (2) sessions, December 8, 1997 for three (3) sessions and December 9,

1997 for two (2) sessions in Minneapolis, Minnesota for a total of seventeen (17) hearing and one (1) pre-hearing sessions.

CASE SUMMARY

Claimant alleged that

Respondent denied the allegations set forth in the Statement of Claim. Respondents specifically stated

RELIEF REQUESTED

Claimant requested an award in the amount of

Respondent requested that the claims asserted against it be denied in its entirety and that it be awarded its' costs and attorneys' fees.

OTHER ISSUES CONSIDERED & DECIDED

The parties have agreed that the Award in this matter may be executed in 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(s) remain on file with the NASD Regulation, Inc. Office of Dispute Resolution (the "NASD").

AWARD

After considering the pleadings, the testimony, and the evidence presented at the hearing and the post-hearing submissions, the undersigned arbitrators have decided in full and final resolution of the issues submitted for determination as follows:

1. The claims asserted in this matter shall be and hereby are dismissed in their entirety.
2. Each party shall bear its own costs, expenses and fees, including but not limited to attorneys' fees, incurred in this matter not specifically enumerated herein.

FORUM FEES

Forum fees are calculated at the rate of \$1,000 per hearing session and \$300 for each pre-hearing conference, if any. There were seventeen (17) sessions x \$1,000 and one (1) session x \$300 = \$17,300 in forum fees. Pursuant to Rule 10205(b) of the NASD Code of Arbitration Procedure (the

"Code") a hearing session is any meeting between the parties and the arbitrator(s), including a pre-hearing conference with an arbitrator, which lasts four (4) hours or less.

Pursuant to Rule 10205(c) of the Code, the NASD shall **retain** the non-refundable filing fee in the amount of \$500 and shall **retain** as forum fees the hearing session deposit in the amount of \$1,000 previously deposited with the NASD by the Claimant Daniel F. Rogers. Claimant Daniel F. Rogers shall be and hereby is liable for and shall pay to the NASD the sum of \$7,650 as forum fees. Respondents Wood Logan Associates, Inc. and Ronald W. Schantz shall be and hereby are jointly and severally liable for and shall pay to the NASD the sum of \$8,650 as the balance due for forum fees.

Pursuant to Rule 10333 of the Code, the NASD shall **retain** the non-refundable member surcharge in the amount of \$500.

Fees are payable to NASD Regulation, Inc. Office of Dispute Resolution.

/s/ Arlen G. Restad
Arlen G. Restad
Public Arbitrator, Presiding Chair

Dated: January 16, 1998

/s/ Wendy A. Sacha
Wendy A. Sacha
Public Arbitrator

January 16, 1998

/s/ Gerald J. Shaughnessy
Gerald J. Shaughnessy
Industry Arbitrator

Janaury 16, 1998