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**AWARD**

**NASD REGULATION, INC., OFFICE OF DISPUTE RESOLUTION**

In the matter of the Arbitration Between

Name of Claimant

Roshan Pourhaghighat

v.

Arbitration No.  
96-02683

Name of Respondent

Prudential Insurance Company of America

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**REPRESENTATION**

For Claimant:

Michael A. Kale, Esq.  
Michael A. Kale, P.C.  
Los Angeles, California

Michael P. Calof, Esq.  
Law Office of Michael P. Calof, Inc.  
Woodland Hills, California

For Respondent:

Diana Tabacopoulos, Esq.  
Seyfarth, Shaw,  
Fairweather & Geraldson  
Los Angeles, California

**CASE INFORMATION**

Statement of Claim filed:	June 24, 1996
Claimant's Submission Agreement signed:	June 19, 1996
Statement of Answer filed by Respondent	October 7, 1996
Respondent's Submission Agreement signed:	September 13, 1996

**HEARING INFORMATION**

Pre-Hearing Conference Dates / Sessions:	January 13, 1997 (1 Session) June 24, 1997 (1 Session)
Hearing Dates / Sessions:	December 8, 1997 (2 Sessions) December 9, 1997 (2 Sessions)
Hearing Location:	Los Angeles, California

**CASE SUMMARY**

Claimant alleged that she was wrongfully terminated and that Respondent breached her Long-Term and Short-Term disability contracts. Additionally, Claimant asserted that the Respondent breached its covenant of good faith and fair dealing.

Respondent denied each and every allegation of wrongdoing set forth in the Claimant's Statement of Claim.

**RELIEF REQUESTED**

Claimant sought between \$50,000.00 and \$100,000.00 in compensatory damages, attorneys' fees and costs. Claimant also requested punitive damages.

Respondent sought dismissal of Claimant's Statement of Claim in its entirety and requested attorneys' fees, costs and any other relief which the Arbitrators deemed appropriate.

**OTHER ISSUES CONSIDERED AND DECIDED**

The parties have agreed that the Award in this matter may be executed either 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 remains on file with the NASD Regulation, Inc., Office of Dispute Resolution.

**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) Respondent Prudential Insurance Company of America is liable to and shall pay to Claimant Roshan Pourhaghighat \$46,879.00 in actual damages plus 10% interest per annum from February 15, 1996, until paid.
- 2) Respondent Prudential Insurance Company of America is liable to and shall pay to Claimant Roshan Pourhaghighat \$15,000.00 for attorneys fees pursuant to 29 U.S.C. Sec. 1132(g)(1).
- 3) All parties are to bear their own costs except where mentioned otherwise in this award.
- 4) Claimant's claim for punitive damages is denied in its entirety.

**FORUM FEES**

Pursuant to Rule 10332(c) of the Code of Arbitration Procedure, the following forum fees are assessed against Prudential Insurance Company of America:

Two (2) Full Panel Pre-Hearing Conference Session @ \$600.00 / Session	= \$1,200.00
Four (4) Hearing Sessions @ \$600.00 / Session	= \$2,400.00

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Total Fees Assessed Against Respondent	= \$3,600.00
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Total Fees Owed by the Respondent	= \$3,600.00
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Claimant's Hearing Session Deposit of \$600.00 will be refunded.

Fees are payable to NASD Regulation, Inc.

**ARBITRATORS**

<u>Name</u> .....	<u>Public / Industry</u>
Herbert Leslie Greenberg, Esq.	Public Arbitrator
Donald L. Lisle	Industry Arbitrator
David J. Berardo, Esq.	Public Arbitrator

**Concurring Arbitrators' Signatures**

  
Herbert Leslie Greenberg, Esq.

\_\_\_\_\_  
Donald L. Lisle

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David J. Berardo, Esq.

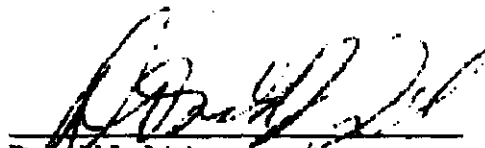
Date of Service: \_\_\_\_\_

**ARBITRATORS**

<u>Name</u>	<u>Public / Industry</u>
Herbert Leslie Greenberg, Esq.	Public Arbitrator
Donald L. Lisle	Industry Arbitrator
David J. Berardo, Esq.	Public Arbitrator

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Donald L. Lisle

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David J. Berardo, Esq.

Date of Service: \_\_\_\_\_

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<u>Name</u>	<u>Public / Industry</u>
Herbert Leslie Greenberg, Esq.	Public Arbitrator
Donald L. Lisle	Industry Arbitrator
David J. Berardo, Esq.	Public Arbitrator

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Donald L. Lisle

  
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David J. Berardo, Esq.

Date of Service: JANUARY 22, 1998