

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

In the matter of the Arbitration Between

Name of Claimant(s)

Kevin M. Hussey
Mary L. Hussey
James P. Hussey

v.

Arbitration No.
96-05558

Name of Respondent(s)

Dean Witter Reynolds, Inc.

REPRESENTATION

For Claimants: John S. Worden, Esq., and Laura E. Gasser, Esq., Morgenstein & Jubelirer LLP,
San Francisco, California

For Respondent: Timm A. VerDuin, Esq., Dean Witter Reynolds, Inc., San Francisco, California

CASE INFORMATION

Statement of Claim filed: December 16, 1995

Claimants' Submission Agreements signed:

Kevin Hussey:	October 30, 1996
Mary Hussey:	October 31, 1996
James Hussey:	November 23, 1996

Statement of Answer filed: January 27, 1997

Respondent's Submission Agreement signed: January 24, 1997

HEARING INFORMATION

A telephone motion hearing was held on October 1, 1997, and lasted one session.

The evidentiary hearing was held in San Francisco, California, as follows:

November 11, 1997	-	2 sessions
November 12, 1997	-	2 sessions

CASE SUMMARY

Claimants alleged lack of suitability, misrepresentation, and breach of fiduciary duty with respect to their investments in units of a limited partnership known as National Property Investors 6.

Respondent denied the allegations of wrongdoing, and stated that because the investments were made in 1983 and 1984 the claim should be dismissed based on the passage of time and because the claim is ineligible for arbitration pursuant to Section 10304 of the Code of Arbitration Procedure. Respondent further stated that Claimants failed to state a claim upon which relief can be granted, that Claimants failed to mitigate damages, and that Claimants had ratified their investments years ago.

RELIEF REQUESTED

Claimants requested damages of \$40,000, plus interest, \$40,000 in punitive damages, and costs of arbitration.

Respondent requested dismissal of all claims.

OTHER ISSUES

A hearing on Respondent's motion to dismiss pursuant to Section 10304 of the Code of Arbitration Procedure was convened by telephone on October 1, 1997. The panel denied the motion.

The parties have agreed to receive conformed copies of the Award while the originals remain on file with NASDR, Inc.

9/11/95

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 claims are dismissed in their entirety.
2. The parties shall each bear their respective costs including attorney's fees.

FORUM FEES

Pursuant to Section 10332 of the Code of Arbitration Procedure, the NASDR shall retain Claimants' \$150 non-refundable filing fee. Forum fees are to be assessed as follows:

Total Fees:

4 hearing sessions @ \$500/session	\$2,000
1 pre-hearing telephone conference @ \$300/session	<u>\$ 300</u>
	<u>\$2,300</u>
Claimants' one-half share	\$1,150
Credit for deposit	<u>\$ 500</u>
	Balance due <u>\$ 650</u>
Respondent's one-half share	<u>\$1,150</u>

Fees are payable to NASDR, Inc.

Alfred P. Knoll, Esq.

James D. Hadfield, Esq.



Alex Mazour

Date Served: November 19, 1997

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3 of 3

VH/96-05558