

NASD REGULATION, INC. AWARD

NASD REGULATION, INC., OFFICE OF DISPUTE RESOLUTION

In the matter of the Arbitration Between

Name of Claimant

James Kehoe

v.

Arbitration No.
97-00046

Name of Respondent

FN Investment Center

REPRESENTATION

For Claimant:

James Kehoe
In pro per
Carefree, Arizona

For Respondent:

Eric G. Wallis, Esq.
Crosby, Heafey, Roach & May
Oakland, California

CASE INFORMATION

Statement of Claim filed:	January 6, 1997
Amended Statement of Claim filed:	April 19, 1997
Claimant's Submission Agreement signed:	January 3, 1997
Statement of Answer filed by Respondent:	March 6, 1997
Statement of Answer to Amended Statement of Claim filed by Respondent:	May 16, 1997

HEARING INFORMATION

Pre-Hearing Conferences/Sessions: September 10, 1997 (1 session)
October 9, 1997 (1 session)
December 16, 1997 (1 session)

Hearing Dates/Sessions: January 26, 1998 (2 sessions)
January 27, 1998 (2 sessions)
January 28, 1998 (2 sessions)
January 29, 1998 (2 sessions)
January 30, 1998 (2 sessions)
March 12, 1998 (2 sessions)

Hearing Location: Los Angeles, California

CASE SUMMARY

Claimant alleged that Respondent committed wrongful termination, age and gender discrimination, defamation with malice, breach of employment agreement and falsified Claimant's U-5 Statement regarding termination.

Respondent denied Claimant's claims in their entirety.

RELIEF REQUESTED

Claimant sought \$2,250,000.00 in compensatory damages, \$750,000.00 in punitive damages, amendment of Claimant's Form U-5 and costs associated with the arbitration.

Respondent sought dismissal of Claimant's Statement of Claim, attorney's fees pursuant to C.C.P. Section 128.5 and costs associated with the arbitration.

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 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. Claimant's claims are denied in their entirety.

FORUM FEES

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

One (1) Single Arbitrator Pre-Hearing Conference @ \$300.00/Session	= \$ 300.00
Two (2) Full Panel Pre-Hearing Conferences @ \$1,000.00/Session	= \$ 2,000.00
<u>Twelve (12) Hearing Sessions @ \$1,000.00/Session</u>	<u>= \$12,000.00</u>
Total Forum Fees Assessed	= \$14,300.00

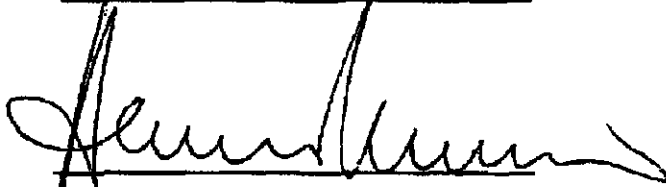
Claimant's Assessment	= \$14,300.00
<u>Credit for Hearing Session Deposit</u>	<u>= (\$1,000.00)</u>
Claimant's Balance Due	= \$13,300.00

Fees are payable to NASD Regulation, Inc.

ARBITRATORS

<u>Name</u>	<u>Public/Industry</u>
Herbert Murez, Esq.	Public Arbitrator
George M. Wiener, Esq.	Public Arbitrator
Gwendolyn J. Bandt	Industry Arbitrator

Concurring Arbitrators' Signatures



Herbert Murez, Esq.

George M. Wiener, Esq.

Gwendolyn J. Bandt

Date of Service:

3/31/98

ARBITRATORS

<u>Name</u>	<u>Public/Industry</u>
Herbert Murez, Esq.	Public Arbitrator
George M. Wiener, Esq.	Public Arbitrator
Gwendolyn J. Bandt	Industry Arbitrator

Concurring Arbitrators' Signatures

Herbert Murez, Esq.



George M. Wiener, Esq.

Gwendolyn J. Bandt

Date of Service:

March 31, 1998

ARBITRATORS

<u>Name</u>	<u>Public/Industry</u>
Herbert Murez, Esq.	Public Arbitrator
George M. Wiener, Esq.	Public Arbitrator
Gwendolyn J. Bandt	Industry Arbitrator

Concurring Arbitrators' Signatures

Herbert Murez, Esq.

George M. Wiener, Esq.



Gwendolyn J. Bandt

Date of Service:

3/31/98