

**Award  
NASD Regulation, Inc.**

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**In the Matter of the Arbitration Between:**

Lawrence P.J. Bonaguidi (Claimant) v. PaineWebber, Incorporated and David Nagler  
(Respondents)

Case Number: 99-00446

Hearing Site: Santa Fe, New Mexico

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**REPRESENTATION OF PARTIES**

Lawrence P.J. Bonaguidi ("Bonaguidi"): Delmer C. Gowing, III, Esq., Delray Beach,  
Florida

Respondents PaineWebber, Incorporated ("PWI") and David Nagler ("Nagler"),  
hereinafter collectively referred to as ("Respondents"): Los Angeles, California.

**CASE INFORMATION**

Statement of Claim filed on or about: February 01, 1999

Claimant Bonaguidi signed the Uniform Submission Agreement: December 17, 1998

Statement of Answer filed by Respondents on or about: April 15, 1999

Respondent PWI signed the Uniform Submission Agreement: April 22, 1999

Respondent Nagler signed the Uniform Submission Agreement: April 05, 1999

**CASE SUMMARY**

Claimant asserted the following causes of action: omission of material fact, negligence,  
and breach of fiduciary duty.

Unless specifically admitted in its Answer, Respondent denied the allegations made in the  
Statement of Claim.

**RELIEF REQUESTED**

Claimant requested:

Compensatory Damages	\$134,709.00
Interest	unspecified
Attorneys' Fees	unspecified
Other Costs	unspecified

**OTHER ISSUES CONSIDERED AND DECIDED**

Per agreement by the parties and the panel's consent, this the situs of this case was changed from Albuquerque, New Mexico to Santa Fe, New Mexico.

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.

**AWARD**

After considering the pleadings, the testimony and evidence presented at the hearing, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondent PaineWebber, Incorporated and Respondent David Nagler shall be and hereby are jointly and severally liable to Claimant Lawrence P.J. Bonaguidi in the amount of \$98,710.40 as compensatory damages.
2. Respondent PaineWebber, Incorporated and Respondent David Nagler shall be and hereby are jointly and severally liable to Claimant Lawrence P.J. Bonaguidi for 15% interest that will begin to accrue upon service of this award and cease to accrue upon final payment.
3. Any and all relief not specifically addressed herein is denied.

**FEES**

Pursuant to the Code, the following fees are assessed:

**Filing Fees**

NASD Regulation, Inc. will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee = \$200.00

**Member Fees**

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm that employed the associated person at the time of the events giving rise to the dispute. In this matter, the member firm is a party.

Member surcharge	= \$1,500.00
Pre-hearing process fee	= \$ 600.00
<u>Hearing process fee</u>	<u>= \$2,500.00</u>
Total	= \$4,600.00

#### Forum Fees and Assessments

The Panel assesses forum fees for each hearing session conducted. A hearing session is any meeting between the parties and the arbitrators, including a pre-hearing conference with the arbitrators, that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with Panel x \$750.00	= \$ 750.00
Pre-hearing conference: September 28, 1999 1 session	
Four (4) Hearing sessions x \$750.00	= \$3,000.00
Hearing Dates: June 12, 2000 2 sessions	
June 13, 2000 2 sessions	
<u>Total Forum Fees</u>	<u>= \$3,750.00</u>

The Panel has assessed \$1,875.00 of the forum fees to Claimant Bonaguidi.  
The Panel has assessed \$1,875.00 of the forum fees jointly and severally to Respondents.

#### Fee Summary

Claimant Bonaguidi shall be and hereby is solely liable for:

Initial Filing Fee	= \$ 200.00
<u>Forum Fees</u>	<u>= \$1,875.00</u>
Total Fees	= \$2,075.00
<u>Less payments</u>	<u>= \$1,250.00</u>
Balance Due NASD Regulation, Inc.	= \$ 825.00

Respondents shall be and hereby are jointly and severally liable for:

<u>Forum Fee</u>	<u>= \$1,875.00</u>
Balance Due NASD Regulation, Inc.	= \$1,875.00

Respondent PWI be and hereby is solely liable for:

<u>Member Fees</u>	<u>= \$4,600.00</u>
Total Fees	= \$4,600.00
<u>Less payments</u>	<u>= \$3,600.00</u>
Balance Due NASD Regulation, Inc.	= \$1,000.00

All balances are due to NASD Regulation, Inc.

### Concurring Arbitrators' Signatures

Fred A. Tillman, Esq.  
Fred A. Tillman, Esq.  
Public Arbitrator, Presiding Chair

07/26/00  
Signature Date

**Bill Panagakos, Esq.**  
**Bill Panagakos, Esq.**  
**Public Arbitrator**

07/25/00  
Signature Date

Edward Allan Hindman  
Edward Allan Hindman  
Industry Arbitrator

07/25/00  
Signature Date

Date of Service (For NASD office use only)

Pre-hearing conference: September 28, 1999 1 session

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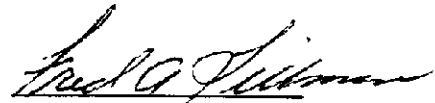
Total Fees = \$4,600.00

Less payments = \$3,600.00

Balance Due NASD Regulation, Inc. = \$1,000.00

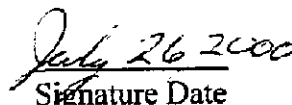
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Public Arbitrator, Presiding Chair



Signature Date

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Bill Panagakos, Esq.

Public Arbitrator

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Industry Arbitrator

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Edward Allan Hindman  
Industry Arbitrator

7/25/00  
Signature Date