

**Award**  
**NASD Dispute Resolution, Inc.**

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In the Matter of the Arbitration Between:

Connie Winokur and Debbie Winokur, Claimants v. Great Western Financial Securities Corporation and Washington Mutual Bank, Respondents

Case Number: 99-01502

Hearing Site: Los Angeles, California

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**REPRESENTATION OF PARTIES**

For Claimants:

Richard Tanzer, Esq.  
Law Offices of Richard Tanzer  
Glendale, California

For Respondents:

Anthony F. Pantoni, Esq.  
Law Offices of Anthony F. Pantoni  
San Diego, California

**CASE INFORMATION**

Statement of Claim filed: March 18, 1999

Claimants' Uniform Submission Agreement signed: November 5, 1999

Statement of Answer filed by Respondents: February 9, 2000

Respondent Great Western Financial Securities Corp.'s Uniform Submission Agreement signed:  
January 27, 2000

Respondent Washington Mutual Bank's Uniform Submission Agreement signed:  
January 21, 2000

**CASE SUMMARY**

Claimants alleged breach of contract, breach of implied covenant good faith and fair dealing, gender discrimination pursuant to California Government Code § 12940, and age discrimination pursuant to California Government Code § 12941.

Respondents denied the allegations of wrongdoing set forth in the Claimants' Statement of Claim.

### **RELIEF REQUESTED**

Claimants requested compensatory damages and punitive damages in the amount of \$2,000,000.00, interest, arbitration costs, and attorney's fees.

Respondents requested dismissal of the Claimants' Statement of Claim in its entirety, arbitrations costs and attorney's fees.

### **OTHER ISSUES CONSIDERED AND DECIDED**

The parties 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, testimony, and evidence presented at the hearing, the Panel decided in full and final resolution of the issues submitted for determination as follows:

- 1) Claimant's claims are denied in their entirety.
- 2) The parties shall bear their respective costs, including attorney's fees.
- 3) All other relief requested and not expressly granted is denied.

### **FEEES**

Pursuant to the Code, the following fees are assessed:

#### **Filing Fees**

NASD Dispute Resolution, Inc. received or will collect the non-refundable filing fees for each claim as follows:

Initial claim filing fee	= \$ 500.00
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#### **Member Fees**

Member fees are assessed to each member firm that is either a party in the matter or an employer of a respondent associated person at the time of the events which gave rise to the dispute, claim, or controversy. Accordingly, the member firm Great Western Financial Securities Corp. (now known as WM Financial Services, Inc.) is a party and the following fees are assessed:

Member Surcharge	= \$ 2,500.00
Pre-Hearing Process Fee	= \$ 600.00
<u>Hearing Process Fee</u>	<u>= \$ 4,500.00</u>
Total Member Fees	= \$ 7,600.00

**Adjournment Fees**

The following adjournment fees are assessed:

1. July 16, 2002 to July 23, 2001, adjournment stipulated by all parties = \$ 1,200.00  
(Respondents agreed to the assessment of fees for this postponement)
2. December 13, 2002 to December 20, 2002 adjournment requested by Claimants = \$ 1,000.00

**Forum Fees and Assessments**

The Arbitrator/Panel assessed a forum fee for each pre-hearing conference or hearing session conducted. A pre-hearing conference and hearing session is any meeting between the parties and the Chair/Panel. The following fees are assessed:

1 Pre-hearing conference sessions with the Panel @ \$1,200.00/session	= \$ 1,200.00
Pre-hearing conference: December 13, 2000 1 session	
9 Hearing sessions @ \$1,200.00/session	= \$ 10,800.00
Hearings: March 7, 2002 2 sessions	
March 8, 2002 2 sessions	
March 11, 2002 2 sessions	
March 12, 2002 2 sessions	
March 13, 2002 1 session	
<b>Total Forum Fees</b>	<b>= \$ 12,000.00</b>

1. The Panel assessed \$ 6,000.00 of the forum fees jointly and severally to Claimants Connie Winokur and Debbie Winokur.
2. The Panel assessed \$ 6,000.00 of the forum fees jointly and severally to Respondents Great Western Financial Securities Corp. (now known as WM Financial Services, Inc.) and Washington Mutual Bank.

**Fee Summary**

1. Claimants, Connie Winokur and Debbie Winokur, are charged jointly and severally with the following fees and costs:

Initial Filing Fee	= \$ 500.00
Adjournment Fee	= \$ 1,000.00
<u>Forum Fees</u>	<u>= \$ 6,000.00</u>
Total Fees	= \$ 7,500.00
<u>Less payments</u>	<u>= \$(1,700.00)</u>
<b>Balance Due NASD Dispute Resolution, Inc.</b>	<b>= \$ 5,800.00</b>

2. Respondent, Great Western Financial Securities Corporation (now known as WM Financial Services, Inc.) is charged with the following fees and costs:

Member Fees	= \$ 7,600.00
<u>Adjournment Fee</u>	<u>= \$ 1,200.00</u>
Total Fees	= \$ 8,800.00
Less payments	= \$(3,100.00)
<u>Less Payments by Washington Mutual Bank</u>	<u>= \$ (5,700.00)</u>
<b>Balance Due NASD Dispute Resolution, Inc.</b>	<b>= \$ 0.00</b>

3. Respondents Great Western Financial Securities Corporation (now known as WM Financial Services, Inc.) and Washington Mutual Bank, are charged jointly and severally with the following fees and costs:

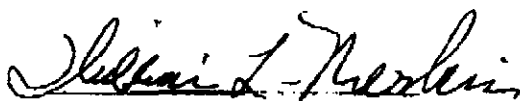
Forum Fees	= \$ 6,000.00
<u>Less Payment by Washington Mutual Bank</u>	<u>= \$ 13,200.00</u>
<b>Refund Due Washington Mutual Bank</b>	<b>= \$( 7,200.00)</b>

All balances are payable to NASD Dispute Resolution, Inc. and are due upon the receipt of the Award pursuant to Rule 10330(g) of the Code.

**ARBITRATION PANEL**

William L. Merkin, Esq.	-	Presiding Chair, Public Arbitrator
Robert S. Granas	-	Public Arbitrator
Thomas J. Doherty	-	Non-Public Arbitrator

**Concurring Arbitrators' Signatures**



William L. Merkin, Esq.  
Presiding Chair, Public Arbitrator

4/11/02  
Signature Date

\_\_\_\_\_  
Robert S. Granas  
Public Arbitrator

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Thomas J. Doherty  
Non-Public Arbitrator

\_\_\_\_\_  
Signature Date

4/12/02  
Date of Service

**ARBITRATION PANEL**

William L. Martin, Esq.	-	Presiding Chair, Public Arbitrator
Robert S. Granas	--	Public Arbitrator
Thomas J. Doherty	-	Non-Public Arbitrator

**Concurring Arbitrators' Signatures**

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William L. Martin, Esq.  
Presiding Chair, Public Arbitrator

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Signature Date

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*Robert S. Granas*  
Robert S. Granas  
Public Arbitrator

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*April 11, 2002*  
Signature Date

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Thomas J. Doherty  
Non-Public Arbitrator

\_\_\_\_\_  
Signature Date

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*4/12/02*  
Date of Service

**ARBITRATION PANEL**

William L. Merkin, Esq.  
Robert S. Granas  
Thomas J. Doherty

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Presiding Chair, Public Arbitrator  
Public Arbitrator  
Non-Public Arbitrator

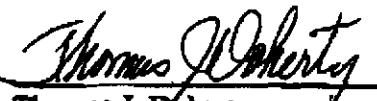
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Presiding Chair, Public Arbitrator

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Non-Public Arbitrator

  
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