

Award
NASD Regulation, Inc.

In the Matter of the Arbitration Between:

Richard Tuthill TTEE, Tim Jon Defined Benefit Plan, Claimant v. Oppenheimer & Co., Inc. and Adam F. Coblin, Respondents.

Case Number: 99-02709

Hearing Site: San Diego, California

REPRESENTATION OF PARTIES

For Claimant:

Arthur S. Leider
Investors Arbitration Specialists, Inc.
San Diego, California.

For Respondents:

David L. Becker, Esq.
CIBC World Markets Corp.
New York, New York.

CASE INFORMATION

Statement of Claim filed:	June 10, 1999
Claimant signed the Uniform Submission Agreement:	July 15, 1997
Statement of Answer filed by Respondents:	October 4, 1999

CASE SUMMARY

Claimant alleged unsuitable recommendations, negligent misrepresentation and breach of fiduciary duty.

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

RELIEF REQUESTED

Claimants requested compensatory damages in the amount of \$100,000.00, interest, costs and representation fees.

Respondents requested dismissal of the Claimant's Statement of Claim in its entirety and that Claimant be made to pay all filing and forum fees. Respondents specifically requested that Claimant's Statement of Claim be dismissed as ineligible under NASD Code of Arbitration Procedure Rule 10304 or, in the alternative, be dismissed as barred by the statute of limitations pursuant to California Civil Code Section 338.

OTHER ISSUES CONSIDERED AND DECIDED

Respondents Oppenheimer & Co., Inc. and Adam F. Coblin did not file with the NASD Regulation, Inc. Office of Dispute Resolution properly executed Uniform Submission Agreements. In accordance with membership rules of the NASD, Respondents are nonetheless required to submit to this arbitration.

AWARD

After considering the pleadings, the motion papers and the arguments of the parties, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. All of Claimant's claims are denied in their entirety pursuant to California Civil Code Section 338.
2. The parties shall bear their respective costs, including attorney or representation fees.
3. All relief not expressly granted 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	= \$ 225.00
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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	= \$1,000.00
<u>Pre-Hearing process fee</u>	<u>= \$ 600.00</u>
Total Member Fees	= \$1,600.00

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 hours or less. Fees associated with these proceedings are:

One Pre-hearing session with Panel x \$750.00	= \$ 750.00
Pre-hearing conference: April 13, 2000 1 session	
Total Forum Fees	= \$ 750.00

1. The Arbitration Panel assessed \$375.00 of the forum fees to Claimant.
2. The Arbitration Panel assessed \$375.00 of the forum fees to Respondent Oppenheimer & Co., Inc.

Fee Summary

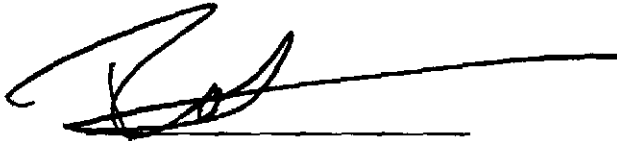
1. Claimant, is charged with the following fees and costs:

Initial Filing Fee	= \$ 225.00
Forum Fees	= \$ 375.00
Total Fees	= \$ 600.00
Less payments	= \$ (975.00)
Refund Due Claimant	= \$ (375.00)
2. Respondent, Oppenheimer & Co., Inc. is charged with the following fees and costs:

Member Fees	= \$ 1,600.00
Forum Fees	= \$ 375.00
Total Fees	= \$ 1,975.00
Less payments	= \$(1,600.00)
Balance Due NASD Regulation, Inc.	= \$ 375.00

All balances are payable to NASD Regulation, Inc. and are due within 30 days of the service date of this Award.

Concurring Arbitrators' Signatures



Robert L. Levin, Esq.
Public Arbitrator, Presiding Chair

4/17/00

Signature Date

Roger T. Verhage
Public Arbitrator

Signature Date

Marlyne Rinaldi
Industry Arbitrator

Signature Date

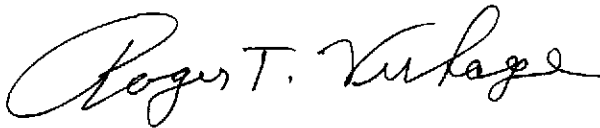
04/26/00

Date of Service (For NASD office use only)

Concurring Arbitrators' Signatures

Robert L. Levin, Esq.
Public Arbitrator, Presiding Chair

Signature Date



Roger T. Verhage
Industry Arbitrator

4-19-2000

Signature Date

Marlyne Rinaldi
Public Arbitrator

Signature Date

Date of Service

Concurring Arbitrators' Signatures

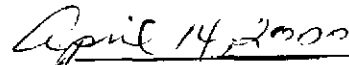
Robert L. Levin, Esq.
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Roger T. Verhage
Industry Arbitrator

Signature Date


Marlyne Rinaldi
Public Arbitrator


Signature Date

Date of Service