

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between:

Jon Maresca and Elizabeth Maresca, Claimants v. May Davis Group, Inc., Gregory Mack, and Wayne Coy, Respondents.

Case Number: 99-04753

Hearing Site: San Diego, California

REPRESENTATION OF PARTIES

For Claimants:

Elizabeth Lowery, Esq.
Fields, Fehn & Sherwin
Los Angeles, California

For Respondents:

Adam L. Goldberg, Esq.
The Law Offices of
Adam J. Goldberg
New York, New York

CASE INFORMATION

Statement of Claim filed: October 18, 1999

Claimants' Uniform Submission Agreement signed: October 11, 1999

Joint Statement of Answer filed by Respondents May Davis Group, Inc. and Wayne Coy:
January 3, 2000

Statement of Answer filed by Respondent Gregory Mack: January 3, 2000

Respondent May Davis Group, Inc.'s Uniform Submission Agreement signed: January 3, 2000

Respondent Gregory Mack's Uniform Submission Agreement signed: January 10, 2000

Respondent Wayne Coy's Uniform Submission Agreement signed: January 3, 2000

CASE SUMMARY

Claimants alleged breach of fiduciary duty, misrepresentation, fraud, negligence, and unsuitability. The case involved the purchase of Netlive Communications Stock.

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

RELIEF REQUESTED

Claimants requested compensatory damages of approximately \$175,000.00, including trading losses and disgorgement of margin interest expenses and commissions. Claimants also sought a reasonable rate of return according to the Well-managed Account Theory from the time of the loss to the time of the award. Claimant also requested costs and reasonable attorney's fees.

Respondents requested that Claimants' Statement of Claim be dismissed in its entirety and sought and award of costs and disbursements, including attorney's fees.

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. Respondent May Davis Group, Inc. is liable to and shall pay Claimants the sum of \$30,000.00 in compensatory damages.
2. Respondent Gregory Mack is liable to and shall pay Claimant the sum of \$2,000.00 in compensatory damages.
3. All claims against Respondent Wayne Coy are denied in their entirety.
4. The parties shall each bear their respective costs, including attorney's fees.
5. All other relief not expressly granted is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

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

Initial claim filing fee	= \$ 300.00
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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 event of the dispute. Accordingly, the member firm May Davis Group, Inc. is a party and the following fees are assessed:

Member Surcharge	= \$ 1,500.00
Pre-Hearing Process Fee	= \$ 600.00
<u>Hearing Process Fee</u>	= \$ 2,500.00
Total Member Fees	= \$ 4,600.00

Forum Fees and Assessments

The 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 Panel.

The following fees are assessed:

1 Pre-hearing conference session with the Panel @ \$1,125.00/session	= \$ 1,125.00
Pre-hearing conference: June 5, 2000 1 session	
5 Hearing session @ \$1,125.00/session	= \$ 5,625.00
Hearings: October 25, 2000 2 sessions	
October 26, 2000 3 sessions	
Total Forum Fees	= \$ 6,750.00

1. The Arbitration Panel has assessed \$ 3,375.00 of the forum fees jointly and severally to Claimants Jon Maresca and Elizabeth Maresca.
2. The Arbitration Panel has assessed \$ 3,375.00 of the forum fees jointly and severally to Respondents May Davis Group, Inc. and Gregory Mack.

Fee Summary

1. Claimants are charged jointly and severally with the following fees and costs:

Initial Filing Fee	= \$ 300.00
<u>Forum Fees</u>	= \$ 3,375.00
Total Fees	= \$ 3,675.00
<u>Less payments</u>	= \$(1,425.00)
Balance Due NASD Dispute Resolution, Inc.	= \$ 2,250.00

2. Respondent May Davis Group, Inc. is charged with the following fees and costs:

Member Fees	= \$ 4,600.00
<u>Less payments</u>	= \$ (4,600.00)
Balance Due NASD Dispute Resolution, Inc.	= \$ 0.00

3. Respondents May Davis Group, Inc. and Gregory Mack are charged jointly and severally with the following fees and costs:

<u>Forum Fees</u>	= \$ 3,375.00
Balance Due NASD Dispute Resolution, Inc.	= \$ 3,375.00

All balances are payable to NASD Dispute Resolution, Inc. and are due within 30 days of the award's date of service.

Concurring Arbitrators' Signatures


Jon C. Milliken, JD
Chair, Public Arbitrator

10/20/2000
Signature Date

Harvey C. Flodin, Esq.
Public Arbitrator

Signature Date

Mary H. Evans, J.D.
Non-Public Arbitrator

Signature Date

Date of Service

Concurring Arbitrators' Signatures

Jon C. Milliken, JD
Chair, Public Arbitrator

Signature Date



Harvey C. Flodin, Esq.
Public Arbitrator

Signature Date

Mary H. Evans, J.D.
Non-Public Arbitrator

Signature Date

Date of Service

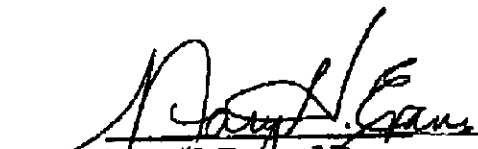
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Jon C. Milliken, JD
Chair, Public Arbitrator

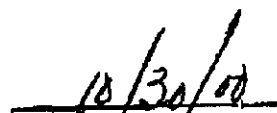
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