

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION, INC.

CASE: 99-04893

Ronald A. Hurl and Joan L. Hurl, claimants vs. James Griffith Kaighin, Darlene Kay Rutledge, Henry Abraham Simon, Hung Huu Nguyen, Choice Investments, Inc., SWS Financial Services and Providential Securities, Inc. respondents.

ATTORNEYS:

Claimants appeared Pro Se., Portland, OR.

For Respondents James Griffith Kaighin and Choice Investments, Inc. appeared Patrick Lanier, Esq., Austin, TX.

For Respondents Darlene Kay Rutledge and Southwest Securities, Inc. appeared Will S. Montgomery, Esq. of the firm Jenkins & Gilchrist, Dallas, TX.

For Respondents Hung Huu Nguyen and Providential Securities, Inc. appeared Brett J. Saddler, representative of Providential Securities, Fountain Valley, CA.

Respondent Henry Abraham Simon appeared Pro Se., Beachwood, OH.

DATE FILED: November 1, 1999

CASE SUMMARY: Claimants alleged that respondents negligently maintained their account by not confirming a sale of 1,000 shares of Excite on June 11, 2000 and further recommending that he sell 1,000 shares of Excite in order to resume trading. Claimants further alleged that respondents assessed an incorrect amount in margin interest.

Claim Data

Claim: \$11,479.82
Punitive: \$13,520.18
Atty Fees: \$.00
Filing Fees: \$875.00
Interest: \$.00

Cost: \$10.00

Award Data

Award: \$11,479.82
Punitive: \$.00
Atty Fees: \$.00
Filing Fees: \$425.00
Interest: @10% per annum
from 6/24/98 to date
award is paid.
Cost: \$.00

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) Respondents SWS Financial Services and Providential Securities, Inc. are liable and shall pay to the claimant \$11,479.82. 2) All claims against respondents James Griffith Kaighin, Darlene Kay Rutledge, Henry Abraham Simon, Hung Huu Nguyen and Choice Investments, Inc. are dismissed in their entirety. 3) All requests

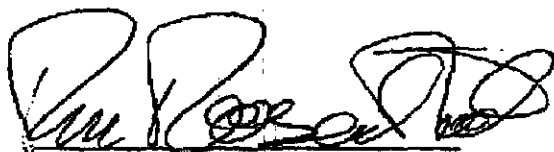
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for attorney fees are denied. 4) All requests for punitive damages are denied. 5) All other relief requests are denied. 6) The \$425.00 filing fee previously deposited with NASD Dispute Resolution, Inc. by the claimant, shall be retained by NASD Dispute Resolution, Inc. 7) Respondents SWS Financial Services and Providential Securities, Inc. are jointly and severally liable and shall pay claimant \$425.00 as reimbursement of the filing fee.

OTHER FEES: Pursuant to Rule 10333 of the Code, respondent Choice Investments, Inc. has paid to NASD Dispute Resolution, Inc. the \$400.00 Member Surcharge previously invoiced. According to Rule 10333 of the Code, respondents SWS Financial Services and Providential Securities, Inc. have not paid to NASD Dispute Resolution, Inc. the \$400.00 Member Surcharge previously invoiced.

AFFIRMATION

I, Robert Rosenthal, do hereby affirm, upon my oath as arbitrator that I am the individual described herein who executed this instrument, which is my oath and award.


Robert Rosenthal

October 23, 2000
Date of award