

**FILE COPY**

**Award  
NASD Dispute Resolution**

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In the Matter of the Arbitration Between:

Ala-Edin Drebi, Claimant v. Wells Fargo Brokerage Services, LLC and Phillip S. Loomis,  
Respondents

Case Number: 02-00200

Hearing Site: San Diego, California

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**REPRESENTATION OF PARTIES**

For Claimant:

Leslie Schwaebe Akins, Esq.  
Akins & Villavicencio, L.L.P.  
Carlsbad, California

For Respondents:

Robert T. Sullwold, Esq.  
Sullwold & Hughes  
San Francisco, California

**CASE INFORMATION**

Statement of Claim filed: January 13, 2002

Claimant's Uniform Submission Agreement signed: January 9, 2002

Joint Statement of Answer filed by Respondents: March 13, 2002

**CASE SUMMARY**

Claimant alleged breach of fiduciary duty, constructive fraud, violations of Section 10(B) and Rule 10B-5 of the Securities Exchange Act of 1934, suitability, misrepresentation, omission of facts, violation of Section 20(A) of the Securities Exchange Act, state securities law violations, common law fraud, negligence, negligent supervision, and violation of NASD Rules of Fair Practice. The dispute involved the purchase and/or sale of Putnam New Opportunity Fund and OTC & Emerging Growth Fund.

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

**RELIEF REQUESTED**

Claimant requested compensatory damages in the amount of \$115,854.69, unspecified punitive damages, tax penalties and interest incurred, pre- and post-award interest, attorney's fees, and arbitration costs.

Respondents requested dismissal of the Claimant's Statement of Claim in its entirety.

**OTHER ISSUES CONSIDERED AND DECIDED**

Respondents Wells Fargo Brokerage Services, LLC and Phillip S. Loomis did not file with the NASD Dispute Resolution properly executed submission agreements but are required to submit to arbitration pursuant to the Code and having answered the claim, appeared and testified at the hearing, are bound by the determination of the Panel on all issues submitted.

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.

**FEES**

Pursuant to the Code, the following fees are assessed:

**Filing Fees**

NASD Dispute Resolution Services will collect the non-refundable filing fees for each claim as follows:

Initial claim filing fee = \$ 300.00

**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 that gave rise to the dispute, claim, or controversy. Accordingly, the member firm Wells Fargo Brokerage Services, LLC is a party and the following fees are assessed:

Member Surcharge	= \$ 1,700.00
Pre-Hearing Process Fee	= \$ 750.00
<u>Hearing Process Fee</u>	<u>= \$ 2,750.00</u>
<b>Total Member Fees</b>	<b>= \$ 5,200.00</b>

**Adjournment Fees**

The following adjournment fees are assessed:

Hearing Dates, January 6, 2003 – January 8, 2003 adjournment requested by Respondents Wells Fargo Brokerage Services, LLC and Phillip S. Loomis	= \$ 0.00
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Postponement Fee Waived by the Arbitration Panel

**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 @ \$1,125.00xxx/session	= \$ 1,125.00
Pre-hearing conference: August 1, 2002 1 session	
(6) Hearing sessions @ \$1,125.00/session	= \$ 6,750.00
Hearings: February 11, 2003 2 sessions	
February 12, 2003 2 sessions	
February 13, 2003 2 sessions	
<b>Total Forum Fees</b>	<b>= \$ 7,875.00</b>

The Panel assessed \$7,875.00 of the forum fees to Claimant Ala-Edin Drebi

**Fee Summary**

1. Claimant Ala-Edin Drebi is charged with the following fees and costs:

Initial Filing Fee	= \$ 300.00
<u>Forum Fees</u>	<u>= \$ 7,875.00</u>
Total Fees	= \$ 8,175.00
<u>Less payments</u>	<u>= \$(1,425.00)</u>
<b>Balance Due NASD Dispute Resolution</b>	<b>= \$ 6,750.00</b>

2. Respondent Wells Fargo Brokerage Services, LLC is charged with the following fees and costs:

Member Fees	= \$ 5,200.00
<u>Less payments</u>	<u>= \$(5,200.00)</u>
<b>Balance Due NASD Dispute Resolution</b>	<b>= \$ 0.00</b>

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

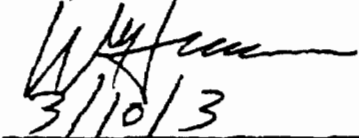
**ARBITRATION PANEL**

L. William McGrath, Jr., Esq.	-	Public Arbitrator, Presiding Chair
William W. Huss	-	Public Arbitrator
Ronald H. Hammershoy	-	Non-Public Arbitrator

**Concurring Arbitrators' Signatures**

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L. William McGrath, Jr., Esq.  
Chair, Public Arbitrator

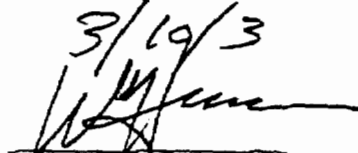
  
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William W. Huss  
Public Arbitrator

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Signature Date

3/19/3  


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Signature Date

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Ronald H. Hammershoy  
Non-Public Arbitrator

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Signature Date

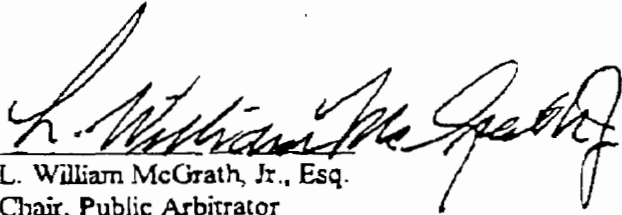
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3/10/3  
Date of Service

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William W. Huss	-	Public Arbitrator
Ronald H. Hammershoy	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures



L. William McGrath, Jr., Esq.  
Chair, Public Arbitrator

3-07-03  
Signature Date

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William W. Huss  
Public Arbitrator

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Signature Date

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Non-Public Arbitrator

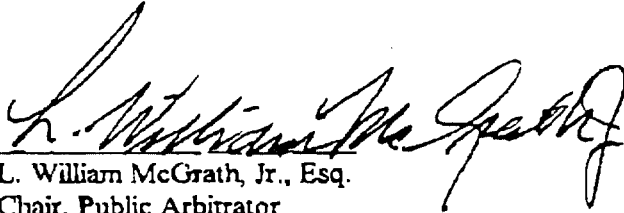
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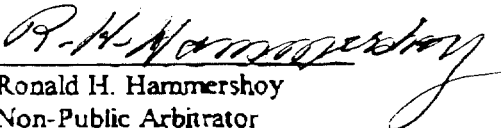
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L. William McGrath, Jr., Esq.  
Chair, Public Arbitrator

3-07-03  
Signature Date

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William W. Huss  
Public Arbitrator

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

  
Ronald H. Hammershoy  
Non-Public Arbitrator

3/11/03  
Signature Date

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3/10/03  
Date of Service