



September 25, 2009

Ryan K. Bakhtiari, Esq.
Aidikoff, Uhl & Bakhtiari
9454 Wilshire Blvd.
Suite 303
Beverly Hills, CA 90212

Subject: FINRA Dispute Resolution Arbitration Number 08-03215
Michele Nasatir, as trustee of The Nasatir Children's Trust U/A DTD 01/01/1996 vs.
Charles Schwab & Co., Inc.

Dear Mr. Bakhtiari:

In accordance with the Code of Arbitration Procedure I enclose the decision reached by the arbitrator(s) in the above-referenced matter.

Responsibility to Pay Monetary Award

Pursuant to the Code of Arbitration Procedure² the responsible party must pay any monetary awards within 30 days of receipt unless a motion to vacate has been filed with a court of competent jurisdiction. If an award is not paid within 30 days, the responsible party must pay post-judgment interest at the legal rate or as provided in the award by the arbitrator(s).

Tracking Payment of Award

FINRA Dispute Resolution has implemented a system of monitoring and tracking compliance with arbitration awards by members and associated persons. We request prevailing claimants to notify us in writing when their awards have not been paid within 30 days of receipt of the award, and require member firms to certify in writing that they have complied with awards against them or their associated persons.

Written notification concerning award compliance or lack thereof must be directed to:

Avichai Badash
FINRA Dispute Resolution
One Liberty Plaza

¹Customer Code Rule 12904
Industry Code Rule 13904
Old Code Rule 10330(h)

165 Broadway, 52nd Floor
New York, NY 10006
212-858-4325 (tel) 301-527-4739 (fax)

Expedited Suspension Proceedings for Non-Payment of Awards

Members and associated persons who do not comply with an award in a timely manner are subject to expedited suspension proceedings as set forth in Rule 9554.

Right to File Motion to Vacate Award

Pursuant to Rule 10330(a) of the Code of Arbitration Procedure, FINRA Dispute Resolution is serving the Award with two signatures. The Award decision is unanimous, and the third signature will be sent to the parties as soon as we receive it. All awards are **final** and are not subject to review or appeal by the arbitration panel or by FINRA Dispute Resolution. Any party wishing to challenge the award must make a motion to vacate the award **in a federal or state court** of appropriate jurisdiction pursuant to the Federal Arbitration Act, 9 U.S.C. § 10, or applicable state statute. There are limited grounds for vacating an arbitration award, and a party must bring a motion to vacate within the time period specified by the applicable statute. Parties and counsel should consult federal and state statutes and case law to determine the appropriate court, standards, and time limitations in their individual circumstances. FINRA Dispute Resolution is not authorized to provide legal advice concerning a motion to vacate.

A motion to vacate, confirm, or modify an arbitration award is a matter only between the parties to the arbitration. FINRA Dispute Resolution is not a proper party to post-award motions and should not be named as a party to any post-award motion. However, for cases filed on or after April 12, 2004, if the award contains expungement relief, or if a party seeks expungement relief in court, there may be a duty to name FINRA as a party as provided in Rule 2080.

Questions Concerning Award

Please direct any questions regarding this award to me. **The parties must not contact the arbitrators directly.**

Forum Fees

You will receive under separate cover an invoice that reflects the fees assessed and any outstanding balance or refund due. **Fees are due and payable to FINRA Dispute Resolution upon receipt of the invoice and remitted to the address specified on the invoice.**

Any applicable refunds will also be sent under separate cover approximately 45 days after the case closes. Pursuant to the Code of Arbitration Procedure, "Any refunds of fees or costs incurred under the Code will be paid directly to the named parties, even if a non-party made payment on behalf of the named parties."²

All questions regarding payment of fees and refunds should be directed to FINRA Finance at (240) 386-5910.

² Customer Code Rule 12902(e)
Industry Code Rule 13902(e)

Arbitration Evaluation

As a service organization, the primary goals of FINRA Dispute Resolution are the integrity of its process and the satisfaction of its clients. To ensure that we are meeting your needs and satisfying our commitment to you, **we need to hear from you**. If you have not already done so, please take the time to complete an evaluation of our services, the process, and the arbitrator(s) assigned to your case. For your convenience, we have now made it possible for you to evaluate our services using the Internet. Please direct your Web browser to <http://www.finra.org/arbevaluation>.

If you do not have Internet access, or have difficulty completing the evaluation form online, we will send a hard copy evaluation form to you. The completed evaluation form should be mailed in to the address indicated below. If you need a hard copy of the evaluation form, please contact the undersigned. Whenever possible, however, we encourage you to use the new online version, as it will help us to review your feedback in a more expeditious manner. Your feedback is a valuable and necessary component in our efforts to serve you better.

Very truly yours,



Ianthe Philips
Case Administrator
Phone: 213-613-2680
Fax: 301-527-4766
WesternProcessingCenter@finra.org

IP:mdo:LC09A
idr: 08/25/2009

RECIPIENTS:

Ryan K. Bakhtiari, Esq., The Nasatir Children's Trust
Aidikoff, Uhl & Bakhtiari, 9454 Wilshire Blvd., Suite 303, Beverly Hills, CA 90212

Stacey M. Garrett, Esq., Charles Schwab & Co., Inc.
Keesal, Young & Logan, 400 Oceangate, Long Beach, CA 90802

Award
FINRA Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant:

Case Number: 08-03215

Michele Nasatir, as trustee of
The Nasatir Children's Trust U/A DTD 01/01/1996

Name of the Respondent:

Hearing Site: Los Angeles, California

Charles Schwab & Co., Inc.

Nature of the Dispute: Customer vs. Member

REPRESENTATION OF PARTIES

Claimant Michele Nasatir, as trustee of The Nasatir Children's Trust U/A DTD 01/01/1996 hereinafter referred to as "Claimant": Ryan K. Bakhtiari, Esq. and Katrina M. Boice, Esq., Aidikoff, Uhl & Bakhtiari, Beverly Hills, California

Respondent Charles Schwab & Co., Inc. hereinafter referred to as "Respondent" or "Schwab": Stacey M. Garrett, Esq. and Kendra S. Canape, Esq., Law Offices of Keesal, Young & Logan, PC, Long Beach, California

CASE INFORMATION

Statement of Claim filed: September 8, 2008

Claimant signed the Submission Agreement: September 4, 2008

Statement of Answer filed by Respondent: November 7, 2008

Respondent signed the Submission Agreement: September 16, 2008

CASE SUMMARY

Claimant asserted the following causes of action: 1) Breach of Fiduciary Duty; 2) Breach of Written Contract; 3) Constructive Fraud; 4) Fraud by Misrepresentation and Omission; 5) Negligence; 6) Respondeat Superior; 7) Negligent Supervision; and 8) Violations of California Securities Act. The causes of action relate to investments in shares of Charles Schwab YieldPlus Select Fund.

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested:

1. General and Compensatory Damages in an amount according to proof but not less than \$139,861.00;
2. Lost opportunity costs in an amount according to proof;
3. Cost of proceedings;
4. Punitive damages in an amount according to proof;
5. Interest at the legal rate on all sums recovered;
6. Attorneys' fees and costs;
7. Rescission; and
8. Other and further relief as this Panel deems just and appropriate.

Respondent requested:

1. An award finding that Claimant is not entitled to recover damages from Schwab and dismissing these claims in their entirety with prejudice;
2. Costs; and
3. All other relief as provided by law.

At the close of the hearing, Claimant requested:

1. Compensatory Damages in the amount of \$179,613.00;
2. Attorneys' fees in the amount of \$59,811.00; and
3. Expert fees in the amount of \$16,000.00.

OTHER ISSUES CONSIDERED AND DECIDED

The Panel acknowledges that they have each read the pleadings and other materials filed by the parties.

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

1. Respondent is liable to and shall pay Claimant compensatory damages in the amount of \$125,729.00.
2. Claimant's request for punitive damages is denied.
3. Claimant's request for attorneys' fees and costs is denied.
4. The parties shall bear their respective costs.
5. Any and all relief not specifically addressed herein is denied.

FINRA Dispute Resolution

Arbitration No. 08-03215

Award Page 3 of 5**FEES**

Pursuant to the Code, the following fees are assessed:

Filing Fees

FINRA Dispute Resolution assessed a filing fee* for each claim:

Initial claim filing fee	= \$ 1,425.00
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The filing fee is made up of a non-refundable and a refundable portion.*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. Accordingly, as a party, Charles Schwab & Co., Inc. is assessed the following:

Member surcharge	= \$ 1,700.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$ 2,750.00

Contested Motion for Issuance of a Subpoena Fees

Fees apply for each decision on a contested motion for the issuance of a subpoena.

One (1) Decision on a contested motion for the issuance of a subpoena	
One (1) arbitrator @ \$200.00	= \$ 200.00

Total Contested Motion for Issuance of Subpoenas Fees	= \$ 200.00
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1. The Panel has assessed \$100.00 of the contested motion for issuance of a subpoena fees to Claimant.
2. The Panel has assessed \$100.00 of the contested motion for issuance of a subpoena fees to Respondent.

Hearing Session Fees and Assessments

The Panel has assessed hearing session fees for each session conducted. A session is any meeting between the parties and the arbitrators, including a pre-hearing conference with the arbitrators that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with Panel @ \$1,125.00/session	= \$ 1,125.00
Pre-hearing conference: January 9, 2009	1 session

Five (5) Hearing sessions @ \$1,125.00/session	= \$ 5,625.00
Hearing Dates: September 15, 2009	2 sessions
September 16, 2009	3 sessions

Total Hearing Session Fees	= \$ 6,750.00
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FINRA Dispute Resolution

Arbitration No. 08-03215

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1. The Panel has assessed \$3,375.00 of the hearing session fees to Claimant.
2. The Panel has assessed \$3,375.00 of the hearing session fees to Respondent.

All balances are payable to FINRA Dispute Resolution and are due upon receipt.

FINRA Dispute Resolution

Arbitration No. 08-03215

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ARBITRATION PANEL

Ronald L. Cameron	-	Public Arbitrator, Presiding Chairperson
Arthur T. Berggren	-	Public Arbitrator
Richard M. Leigh	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

 Ronald L. Cameron
 Public Arbitrator, Presiding Chairperson

Signature Date

 Arthur T. Berggren
 Public Arbitrator

Signature Date

 Richard M. Leigh
 Non-Public Arbitrator

Signature Date

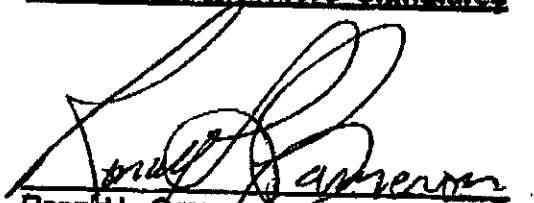
Date of Service (For FINRA Dispute Resolution use only)

FINRA Dispute Resolution
Arbitration No. 08-03215
Award Page 3 of 5

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Ronald L. Cameron	-	Public Arbitrator, Presiding Chairperson
Arthur T. Berggren	-	Public Arbitrator
Richard M. Leigh	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures



 Ronald L. Cameron
 Public Arbitrator, Presiding Chairperson

9/25/09
 Signature Date

 Arthur T. Berggren
 Public Arbitrator

 Signature Date

 Richard M. Leigh
 Non-Public Arbitrator

 Signature Date

9/25/09

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FINRA Dispute Resolution
Arbitration No. 08-03215
Award Page 5 of 5

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Public Arbitrator

Signature Date

Richard M. Leigh

Richard M. Leigh
Non-Public Arbitrator

9/25/09

Signature Date

9/25/09



FINRA Dispute Resolution
Western Processing Center
300 S. Grand Avenue
Suite 900
Los Angeles, CA 90071
E-mail: WesternProcessingCenter@finra.org
Phone: 213-613-2680



Number of Pages including the Cover Sheet: _____

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Date: 09/25/2009

Case Number: 08-03215

Case Name: Michele Nasatir, as trustee of The Nasatir Children's Trust U/A DTD 01/01/1996 vs. Charles Schwab & Co., Inc.

To: Ryan K. Bakhtiari

Phone: 310-274-0666 Fax: 310-859-0513

From: Ianthe Philips
Case Administrator

MD

Message:

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