

**NASD**

Arbitration

National Association of  
**Securities Dealers, Inc.**  
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MEMORANDUM

TO: Mark A. Tepper, Esq. ✓  
Paul Lieberman, Esq.  
Mr. Maurice Bissonette

FROM: NASD #92-01717  
Donald Burney, Legal Assistant *D.B.*  
212-858-4355

RE: Sheila Bentley vs. Tucker Anthony Inc.,  
and Maurice Bissonette

DATE: October 20, 1992

The Director of Arbitration has reviewed and considered the submissions of the parties with respect to the motion to dismiss this case under Section 15 of the Code of Arbitration Procedure. The Director has also reviewed the original case filing (NASD #90-01934) as it relates to the issue of time limitation for submitting a claim.

NASD case #90-01934 was deemed ineligible for submission largely because the claimant's attorney at that time did not submit a response making the allegations which have been made by the claimant's present attorney in the above case. In NASD #92-01717, the claimant's attorney alleges fraudulent concealment by the respondents which prevented the claimant from discovering the wrongdoing until 1989.

Since the allegations of continuing fraud fall within the eligibility requirements of Section 15 of the Code of Arbitration, that is within six (6) years of May 6, 1992, the date claimant executed her submission agreement in this matter, the Director has determined that this case shall proceed. The respondents are hereby directed to submit their Statement of Answer by November 3, 1992.

DB:mcc

EXHIBIT D-4