please accept the following comments on the proposed rule concerning motions to dismiss:

our firm has scores of pending cases on behalf of claimants.respondents routinely file a motion to dismiss in every case.the allegations in the motions typically run from the frivolous to the absurd. we have never had such a motion be granted against one of our clients. however, in most cases,if the panel convenes to hear arguments on the motion our client is charged 50% of the costs to hear the arguments.

the respondents have chosen the forum. they now want to clutter the playing field in such a way as to further disposess claimants of any semblence of fairness.equity is the aim of arbitration. the forum is designed to dispense equity. in the words of linda feinberg,president,nasd resolution:

> "in sro/nasd arbitration,unlike in court,you get an equitable result.you do not have to have a claim that is cogniizable under state or federal law:it can be cognizable under nasd rules.so, for example,there is only one cause of action under federal securities laws,that's 10-b.it's very limited,it has a very short statute of limitations.the rules that are applied by arbitrators looking for equitable relief are much broader than if they had to strictly follow the law."

i support the basic rule a a solution to the excess filings currently being made.however the rule should be adopted with important considerations:

1)motions should not be granted if there are any disputed facts;
2)all fees should be charged to the filing party if the motion is denied,including attorneys fees ;
3)granting of a motion should be accompanied by a written explanation as to the reason(s) for the decision.

thank you for considering my comments.

sincerely,

dale ledbetter

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