

**NASD DISPUTE RESOLUTION AWARD**  
**NASD DISPUTE RESOLUTION, INC.**

CASE: 01-00866

Thurman S. Mustaine and Jerrold R. Mustaine, claimants vs. NatCity Investments, respondent.

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**ATTORNEYS:**

For Claimants appeared Peter F. von Meister of the firm Green & Green, Dayton, OH.

For Respondent appeared Cynthia J. Foresta, Assistant Compliance Director, Cleveland, OH.

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DATE FILED February 21, 2001

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**CASE SUMMARY:** Claimants alleged that respondent placed them in an investment which was unsuitable to their needs. Claimants maintained that because of misrepresentations, they maintained a loss in their account.

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**Claim Data**

Claim: \$8,996.91  
Punitive: \$16,000.00  
Attorney Fees: \$12,500.00  
Filing Fees: \$425.00  
Other: unspecified

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**Award Data**

Award: \$9,340.00 inclusive of interest  
Punitive: \$.00  
Attorney Fees: \$.00  
Filing Fees: \$425.00  
Other: \$.00

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**AWARD:** The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) Respondent is liable and shall pay to the claimant \$9,340.00 inclusive of interest. 2) All requests for attorney fees are denied. 3) All requests for punitive damages are denied. 4) All other relief requests are denied. 5) The \$425.00 filing fee previously deposited with NASD Dispute Resolution, Inc. by the claimant, shall be retained by NASD Dispute Resolution, Inc. 6) Respondent is liable and shall pay claimant \$425.00 as reimbursement of the filing fee.

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**OTHER FEES:** Pursuant to Rule 10333 of the Code, respondent has paid to NASD Dispute Resolution, Inc. the \$400.00 Member Surcharge previously invoiced.

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Award 01-01866

Jeffrey M. Bain, Esq.

Sole Public Arbitrator

**AFFIRMATION**

I, Jeffrey M. Bain, Esq., 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.

  
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Jeffrey M. Bain, Esq.  
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Signature Date

December 27, 2001  
Date of Service (for NASD office use only)