

**NASD DISPUTE RESOLUTION AWARD**  
**NASD DISPUTE RESOLUTION**

CASE: 03-03394

Arlene M. Rosenthal, Claimant vs. John Gollio, Oldham Resources, Inc., and Prime Capital Services Inc., Respondents.

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**ATTORNEYS:**

Claimant, Arlene M. Rosenthal, ("Claimant"), appeared pro se, Wilton, CT.

For Respondents, John Gollio, Oldham Resources, Inc., and Prime Capital Services Inc., (collectively "Respondents"), appeared Martin J. Burns, Esq., of the Law Offices of Wilson, Elser, Moskowitz, Edelman & Dicker LLP, New York, NY.

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**NATURE OF DISPUTE:** Customer v Associated Person, Member, and Non-Member

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**DATE FILED:** May 8, 2003

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**CASE SUMMARY:** Claimant alleged that Respondents breached their fiduciary duty, were negligent, omitted and misrepresented facts, engaged in acts of churning in her account, placed her in unsuitable investments, and failed to follow her instructions in a timely manner to transfer Safeco Spinnaker Mutual Funds to her Safeco Spinnaker Fixed Rate account. Claimant maintained that due to Respondents' actions, her account suffered losses.

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**Claim Data**

Claim: \$6,000.00  
Interest: Unspecified  
Punitive: \$3,000.00  
Filing Fees: \$325.00  
Other: \$75.00

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**Award Data**

Award: \$.00  
Interest: \$.00  
Punitive: \$.00  
Filing Fees: \$162.50  
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) The claims of Claimant are dismissed in their entirety. 2) All requests for interest are denied. 3) All requests for punitive damages are denied. 4) All other relief requests are denied. 5) The \$325.00 filing fee previously deposited with NASD Dispute Resolution by the Claimant, shall be retained by NASD Dispute Resolution. 6) Respondents shall pay Claimant \$162.50 as reimbursement of one-half of the filing fee.

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**OTHER FEES:** Pursuant to Rule 10333 of the Code, Respondent, Prime Capital Services, Inc. has paid to NASD Dispute Resolution the \$325.00 Member Surcharge previously invoiced.

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**OTHER ISSUES:** The request by Respondents for a telephone conference has been denied as being moot.

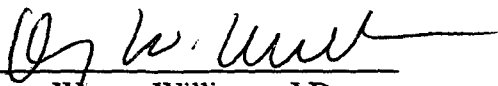
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Oliver Wayne Williams, J.D.

Sole Public Arbitrator

**AFFIRMATION**

I, Oliver Wayne Williams, J.D., do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein, and who executed this instrument which is my award.

  
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Oliver Wayne Williams, J.D.

  
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Signature Date

October 29, 2003  
Date of Service (For NASD-DR office use only)