

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

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CASE: 04-06545

Edward H. Guarnieri, Claimant v. Robert Cuillo and GunnAllen Financial, Inc., Respondents

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**ATTORNEYS:**

For Claimant Edward G. Guarnieri ("Claimant") appeared Travis K. Morton, Esq., of the firm Brady, Nordgren, Klym & Morton, PLLC, Raleigh, NC.

Respondent Robert Cuillo did not file a Statement of Answer in this matter.

Respondent GunnAllen Financial, Inc. did not file a Statement of Answer in this matter.

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**NATURE OF DISPUTE:** Customer v. Member and Associated Person.

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**DATE FILED:** September 7, 2004.

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**CASE SUMMARY:** Claimant alleged that Respondent Robert Cuillo purchased 1,000 shares of Genta, Inc. stock without Claimant's prior authorization or notice. Claimant maintained that due to Respondent Robert Cuillo's actions, the account suffered losses. Claimant's claim involved common stock.

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**Claim Data**

Claim: \$15,414.42  
Claim: Waiver of Margin call fees/costs  
Punitive: \$8,900.00  
Interest: Unspecified  
Attorney Fees: \$8,000.00  
Filing Fees: \$875.00  
Other: \$.00

**Award Data**

Award: \$0.00  
Claim: Denied  
Punitive: \$0.00  
Interest: \$0.00  
Attorney Fees: \$0.00  
Filing Fees: \$212.50  
Other: \$0.00

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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 punitive damages are denied. 3) All requests for interest are denied. 4) All requests for attorney fees are denied. 5) All other relief requests are denied. 6) NASD Dispute Resolution shall retain the \$425.00 filing fee that the Claimant deposited previously. 7) Respondent Robert Cuillo is liable and shall pay Claimant \$212.50 as reimbursement of one-half of the filing fee.

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**OTHER FEES:** Pursuant to Rule 10333 of the Code, Respondent GunnAllen Financial, Inc. has paid to NASD Dispute Resolution the \$425.00 Member Surcharge previously invoiced.

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**OTHER ISSUES:** 1) Pursuant to the By-Laws of NASD Dispute Resolution, the arbitrator determined that Respondent Robert Cuillo was served notice of the Statement of Claim and Notification of Arbitrator by regular mail, and Overdue Notice by certified mail and is therefore bound by the arbitrator's ruling and determination.

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2) By letter dated October 20, 2004, Claimant notified NASD Dispute Resolution that he dismissed his claims against Respondent GunnAllen Financial, Inc.

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Andrew O. Whiteman

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Sole Public Arbitrator

AFFIRMATION

I, Andrew O. Whiteman, 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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Andrew O. Whiteman

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Signature Date

\_\_\_\_\_  
Date of Service (For NASD-DR office use only)


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Andrew O. Whiteman

Sole Public Arbitrator

AFFIRMATION

I, Andrew O. Whiteman, 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.

  
Andrew O. Whiteman

3/3/05  
Signature Date

March 11, 2005  
Date of Service (For NASD-DR office use only)