

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

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CASE: 05-04607

Patricia and Robert Thomas, (Claimants) vs. Metropolitan Life Insurance Company,  
(Respondent)

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**ATTORNEYS:**

For Claimant appeared John J. McGovern, Jr., Esq., Scranton, PA.

For Respondent appeared B. John Pendleton, Esq., of the firm McCarter & English, LLP,  
Newark, NJ.

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**NATURE OF DISPUTE:** Customers vs. Member

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**DATE FILED:** August 29, 2005

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**CASE SUMMARY:** Claimants alleged that Respondent placed them in investments that were unsuitable for their needs and misrepresented facts regarding these investments. Claimants further alleged failure to supervise, breach of contract and negligence. Claimants maintained that due to Respondent's actions, they suffered financial losses. Claimants' claim involved variable annuities.

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**Claim Data**

Claim: \$12,526.00  
Punitive: \$10,000.00  
Interest: Unspecified

Attorney Fees: Unspecified  
Filing Fees: Unspecified  
Non-monetary: rescission of the  
Annuity.  
Other: Unspecified

**Award Data**

Award: \$12,526.00  
Punitive: \$.00  
Interest: granted at the statutory rate  
per annum from 8/22/05-payment of  
award.  
Attorney Fees: \$.00  
Filing Fees: \$212.50  
Non-monetary: rescission of the  
Annuity is granted.  
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 Claimants \$12,526.00. 2) All requests for attorney fees are denied. 3) All requests for punitive damages are denied. 4) Respondent is liable and shall pay to the Claimants interest at the statutory rate per annum from August 22, 2005 until the date of payment of the award. 5) The Arbitrator hereby orders the rescission of the annuity. 6) All other relief requests are denied. 7) NASD Dispute Resolution shall retain the \$425.00 filing fee that the Claimants deposited previously. 8) Respondent is liable and shall pay Claimants \$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 has paid to NASD Dispute Resolution the \$425.00 Member Surcharge previously invoiced.

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Saverio J. Cina

**Sole Public Arbitrator**

## AFFIRMATION

I, Saverio J. Cina, 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.

Saverio J. Cina  
Saverio J. Cina

02/16/06  
(Signature Date)

**February 17, 2006**

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