

Book

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between	:
	:
PaineWebber, Inc.	:
	:
Claimant	:
vs.	:
	:
Steve and Helen Trimper	:
vs.	:
	:
John Bogucz	:
Harold Mathis	:
Respondents	:

AWARD

#87-02333

Case Summary

Claimant PaineWebber, Inc. alleged that due to the sudden decline in the market on or around October 19, 1987, Claimant was forced to liquidate Respondents' account without notice to Respondents which caused a debit balance. Respondents Steve and Helen Trimper alleged unsuitability, misrepresentation, breach of fiduciary duty and failure by PaineWebber to supervise its representatives and employees and also asserted a Third Party Claim against account representative, John Bogucz and branch manager, Harold Mathis for unsuitability and misrepresentation.

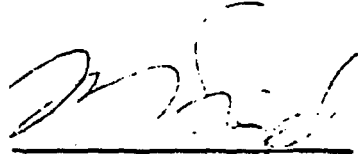
Relief Requested

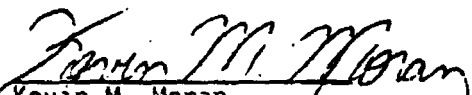
Claimant PaineWebber, Inc. requested \$51,082.30 plus interest and costs. Respondents Steve and Helen Trimper requested compensatory damages in the amount of \$250,000.00, punitive damages in the \$2,000,000.00 plus attorney fees and costs.

Award

On January 11, March 15, 29, May 16, and June 8, 1989, the undersigned arbitrators heard the controversy between the parties as set forth in submissions to arbitration signed by Claimant PaineWebber, Inc. on November 18, 1987 and by Respondents Steve and Helen Trimper on March 28, 1988; John Bogucz on June 28, 1988 and Harold Mathis on June 28, 1988. The arbitration panel, having considered the pleadings, the testimony, and the evidence presented at the hearing, has determined in full and final resolution of the issues submitted for determination as follows:

1. The claim of the claimant PaineWebber, Inc. against Steve and Helen Trimper is dismissed in all respects.
2. As to the Counterclaim, the claimant PaineWebber, Inc. shall pay to the counterclaimants Steve and Helen Trimper the sum of Fifteen Thousand Dollars and No Cents (\$15,000.00).
3. The Third Party Claim against John Bogucz and Harold Mathis are dismissed in their entirety.
4. The parties shall each bear their respective costs including attorney fees.
5. Pursuant to Section 43 of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall retain the \$500.00 filing fee previously deposited by the Claimant. In addition, forum fees are assessed against PaineWebber, Inc. in the amount of \$3,000.00, payable to the NASD through staff counsel.


Martin Jay Siegel


Kevin M. Moran


Donald Q. Hall

DATED: July 7, 1989