

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between

Mel Hyman

Claimant

vs.

Brooks, Weinger, Robbins & Leeds, Inc.
Carol Martino

Respondents

)
)
) Case #87-02655
) Award
)
)
)

CASE SUMMARY

Claimant alleges Respondents made misrepresentations involving the initial price offering for the purchase of 222,222 units in Uniclub, Inc. Respondents deny any misrepresentations and assert Claimant has failed to mitigate his damages.

RELIEF REQUESTED

Claimant seeks damages of \$40,000.00 plus interest, costs and attorney's fees. Respondent Brooks, Weinger, Robbins & Leeds, Inc. requests dismissal of the claim and cross claims against Respondent Carol Martino in the event an award is assessed against it plus costs and attorney's fees. Respondent Carol Martino requested dismissal of claim and cross claim asserted by Respondent Brooks, Weinger, Robbins & Leeds, Inc.

AWARD

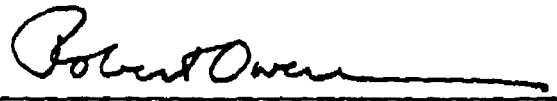
On June 7, 1989, the undersigned arbitrators heard the controversy in New York, New York between the parties as set forth in submissions to arbitration signed by Claimant Mel Hyman on October 7, 1987, and by Respondent Carol Martino on March 30, 1988 and not signed by Respondent Brooks, Weinger, Robbins & Leeds, Inc. as required by the NASD Code of Arbitration Procedure Section 12. The initial claim was filed on December 18, 1987. 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:

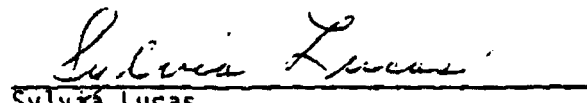
1. In accordance with Section 21 and 26 of the Code, Respondent Brooks, Weinger, Robbins & Leeds, Inc. was given due notice of the hearing procedure which was admitted as Arbitrators Exhibit Two and failed to appear.
2. In accordance with Section 29 of the code, the panel determined to proceed with the hearing as scheduled.
3. The claim of the Claimant is hereby dismissed in its entirety;
4. Respondent Brooks, Weinger, Robbins & Leeds, Inc.'s cross claim against Respondent Carol Martino is hereby dismissed in its entirety;

DATED: June 26th, 1989

5. The parties shall each bear their respective costs including attorneys' fees.
6. Pursuant to Section 43 of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall retain the \$400.00 filing fee previously deposited by the Claimant as costs for one hearing session. Respondents Brooks, Weinger, Robbins & Leeds and Carol Martino are hereby assessed \$200.00 each for costs of the second hearing session payable to the NASD, Inc.

ARBITRATORS CONCURRING


Robert Owen


Sylvia Lucas


Victor Alvarez