

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

George and June Woida

vs.

Claimant(s)

Dean Witter Reynolds, Inc.,
and Gary J. Todryk

Respondent(s)

NOTICE OF ARBITRATION

AWARD

87-02807

CASE SUMMARY

Claimants George and June Woida alleged that Respondents Dean Witter Reynolds, Inc., and Gary J. Todryk mismanaged the Claimants' mutual fund account by failure to close out the account until the end of the day on October 19, 1987. Respondents maintain that the Claimants' mutual fund is valued once each day at the close of the Market, and it is at that time when the account may be transferred or closed.

RELIEF REQUESTED

Claimants George and June Woida requested damages of \$5,000.00. Respondents requested dismissal of claim and costs.

AWARD

Pursuant to Section 13 of the NASD, Inc. Code of Arbitration Procedure ("Simplified Arbitration") a single arbitrator, Daniel Eugene Bivins III, was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimants on December 21, 1987 and by Respondents on March 17, 1988. The Arbitrator, having considered the proofs of the parties, has determined in full and final resolution of the issue submitted for determination as follows:

the claim against Respondents shall be dismissed in its entirety.

The parties shall each bear their respective costs including attorney's fees.

The \$100.00 filing fee previously deposited with the NASD, Inc. by the Claimants shall be retained by the NASD and reimbursed by the Respondent to the Claimant.

June 16, 1989