

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between

Ernest Maresca

Claimant

vs.

Annette Marino

Respondent

Case #87-02878  
Award

CASE SUMMARY

Claimant Ernest Maresca alleged that Respondent Annette Marion failed to execute a sell order in API stock at \$3.25 although Claimant made a verbal and written request for Respondent to sell his stock at that price. Respondent maintains Claimant never verbally placed this sell order nor was it received in writing.

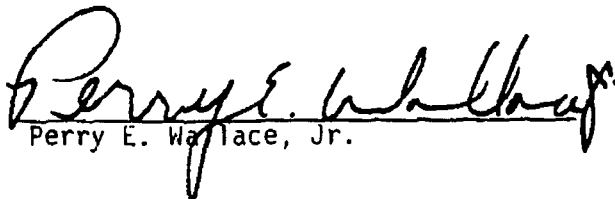
RELIEF REQUESTED

Claimant seeks \$625.00 from Respondent Annette Marino since J. W. Gant & Associates, Inc. and John Harth had settled their dispute by paying Claimant \$1,000.00.

AWARD

On May 25, 1989, the undersigned arbitrator heard the controversy between the parties as set forth in submissions to arbitration signed by Claimant Ernest Maresca on May 11, 1988, and by Respondent Annette Marino on July 8, 1988. Respondent did not attend the hearing but requested that she be permitted to rest on her pleadings. The arbitrator considered Respondent Annette Marino's request and permitted her to rest on her pleadings. The arbitrator, 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. That Respondent is liable and shall pay to the Claimant the sum of Six Hundred Twenty-Five and 00/100 Dollars (\$625.00), no interest is assessed on this amount.
2. The parties shall each bear their respective costs including attorneys' fees.
3. Pursuant to Section 43 of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall retain the \$25.00 filing fee previously deposited by the Claimant.

  
Perry E. Wallace, Jr.

DATED: June 27, 1989