

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Thomas H. and
Genevieve P. Gabriel

Claimant(s)

vs.

Steinberg & Lyman and
Keith A. Daniels

Respondent(s)

NOTICE OF
ARBITRATION
AWARD
88-00721

CASE SUMMARY

Claimant(s) Thomas H. and Genevieve P. Gabriel alleged that Respondent(s) Steinberg & Lyman and Keith A. Daniels committed unauthorized trading in Claimants' account held with Respondent. Respondent(s) deny Claimants' allegations.

RELIEF REQUESTED

Claimant(s) Thomas H. and Genevieve P. Gabriel requested damages of Nine Thousand Six Hundred Eighty Seven Dollars and Thirty-Eight Cents (\$9,687.38). Respondent(s) requested dismissal of claim and costs and in addition Respondent Steinberg & Lyman counterclaims the Claimant for the debit balance of Four Thousand One Hundred Seventy Two Dollars and Eighty-Eight Cents (\$4,172.88) and in addition cross-claims co-Respondent Keith A. Daniels for any liabilities arising out of this proceeding.

AWARD

Pursuant to Section 13 of the NASD, Inc. Code of Arbitration Procedure ("Simplified Arbitration") a single arbitrator, William Zysk, was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant(s) on February 8, 1988 and not by the Respondents as required by Section 12(a) of the NASD, Inc. Code of Arbitration Procedure;

And, that the Arbitrator, having considered the proofs of the Parties, including any additional documentary submissions of the Claimant(s) and the Respondents(s) has decided and determined in full and final resolution of the issue submitted for determination as follows:

The claim against the Respondents shall be dismissed in its entirety; and

In addition the counterclaim against the Claimants shall be dismissed; and

The cross-claim of Steinberg & Lyman against Keith A. Daniels shall be dismissed.

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

The \$200.00 filing fee previously deposited with the NASD, Inc. by the Claimant(s) shall be retained by the NASD as costs of this proceeding and reimbursed to the Claimant jointly and severally by the Respondents.

December 6, 1989