

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

John Ashenbrucker

vs.

Claimant(s)

Olde Discount Corp. and
Michael Marsalese

Respondent(s)

NOTICE OF ARBITRATION
AWARD
88-00960

CASE SUMMARY

Claimant(s) John Ashenbrucker alleged that Respondent(s) Olde Discount Corp. and Michael Marsalese was negligent with regard to a Piedmont Aviation Stock dividend. Respondent(s) maintain that Claimant was unjustly enriched as a result of receiving the stock dividend.

RELIEF REQUESTED

Claimant(s) John Ashenbrucker requested damages of One Thousand Four Hundred Thirty Six Dollars and Twenty-Seven Cents (\$1,436.27). Respondent(s) requested dismissal of claim and costs.

AWARD

Pursuant to Section 13 of the NASD, Inc. Code of Arbitration Procedure ("Simplified Arbitration") a single arbitrator, Peter R. Sonderby, Esq., 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 March 21, 1988 and by Respondent(s) on May 5, 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:

That the Respondent, Olde Discount Corp., is liable and shall pay the sum of One Thousand Four Hundred Thirty Six Dollars and Twenty-Seven Cents (\$1,436.27) to the Claimant John Ashenbrucker.

Also, the Claimant's claim against Respondent Michael Marsalese is dismissed in all respects.

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

The \$25.00 filing fee previously deposited with the NASD, Inc. by the Claimant(s) shall be refunded to the Claimant by the Respondent Olde Discount Corp.

July 25, 1989