

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between

Marie E. Dickerson - Cohen

Claimant

vs.

Foster & Marshall  
Boettcher & Company  
Kenneth Wilkinson  
Jane Doe Wilkinson

Respondents

CASE NO. 88-01424

SUMMARY OF ISSUES

This claim was filed on May 3, 1988. Claimant alleged Respondents breached their fiduciary duty, were negligent and acted fraudulently by investing Claimant's funds in two limited partnerships which were not suitable for Claimant. Respondents maintained that Claimant's financial profile fit the suitability requirements for these investments.

DAMAGES AND RELIEF REQUESTED

Claimant requested damages in the amount of approximately \$58,000.00 plus interest, costs, attorney's fees and punitive damages. Respondents requested dismissal of all claims and an award of costs and attorneys' fees.

DAMAGES AND RELIEF AWARDED

On September 14 and 15, 1989, in Seattle, Washington, in four (4) sessions, the undersigned arbitrators heard the controversy between the parties as set forth in submissions to arbitration signed by Claimant on April 14, 1988 and by Respondent Shearson Lehman Hutton (successor to Foster and Marshall) on August 23, 1988, by Respondent Boettcher and Company on June 14, 1988 and by Respondent Kenneth Wilkinson on September 14, 1989. Respondent Jane Doe Wilkinson did not submit to the jurisdiction of the NASD. 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. All claims brought by Claimant are dismissed with prejudice.
2. Respondent Wilkinson is assessed forum fees in the amount of \$1,500.00, payable to the National Association of Securities Dealers, Inc. through its representative.

3. The parties shall each bear their respective costs including attorneys' fees.

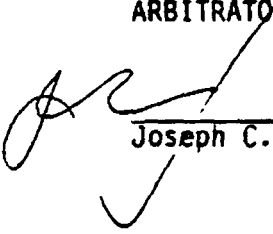
4. - Pursuant to Section 43 of the National Association of Securities Dealers, Inc. (NASD) Code of Arbitration Procedure, the NASD shall refund the \$750.00 filing fee previously deposited by the Claimant.

OTHER ISSUES

The claim against Jane Doe Wilkinson is dismissed for lack of jurisdiction.

ARBITRATORS CONCURRING

DATE SERVED: 10/12/89

  
\_\_\_\_\_  
Joseph C. Roberts

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William L. Hawes

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Martin O. Nelson, Jr.

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