

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Alvin Gandal	:	
	:	
	:	
Claimant	:	
	:	
vs.	:	Case #88-02800
	:	
	:	
Daley Securities, Inc. and	:	
Wedbush Securities, Inc.	:	
	:	
Respondents	:	
	:	

Case Summary

In the Statement of Claim which was filed with the National Association of Securities Dealers, Inc. on September 1, 1988 the Claimants alleged that Respondents breached the fiduciary duty owed the Claimants by failing to follow instructions to vote against a merger at a stockholders meeting of John Blair & Co. thereby causing the Claimant to lose his right to an appraisal pursuant to Delaware law. Respondents maintain that any loss Claimant may have sustained was caused in whole or in part by the culpable conduct and want of care on the part of the Claimant and that the Claimant has failed to mitigate his damages.

Relief Requested

Claimants requested damages of \$500,000.00 plus interest, costs, and reasonable attorneys' fees. Respondents requested dismissal of claim plus costs and reasonable attorneys' fees.

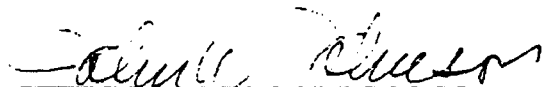
Award

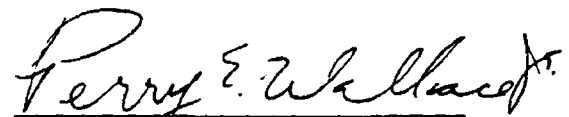
On July 7, 1989 said date representing two hearing sessions the undersigned arbitrators heard the controversy between the parties at the offices of the National Association of Securities Dealers, Inc. located in Washington, DC as set forth in submissions to arbitration signed by Claimant Alvin Gandal on August 30, 1988 and by Respondent Daley Securities, Inc. on May 22, 1989 and by Respondent Wedbush Securities, Inc. on June 26, 1989.

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. The claim by the Claimant for a refund of the \$750.00 filing fee is denied.
2. N/A
3. The parties shall each bear their respective costs including attorneys' fees.
4. Pursuant to Section 43 of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall retain/~~refund~~ the \$750.00 filing fee previously deposited by the Claimant.

Arbitrators Concurring

  
John W. Johnson, Esq.

  
Perry E. Wallace Jr., Esq.

Dated: July 11th, 1989

  
William J. Kerns, Jr.