

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between

Dale Sue Allen

Claimant

vs.

Shearson Lehman Hutton, Inc.  
Gregory Baker

Respondents

CASE #86-03589  
AWARD

CASE SUMMARY

Claimant Dale Sue Allen (hereinafter "Claimant") alleged that Respondent Gregory Baker (hereinafter "Baker") convinced Claimant to purchase 500 shares of Computerized Buying Network, Inc. (hereinafter "CBNI") at 5 3/4 through various misrepresentations concerning this investment. Claimant alleged that this stock purchased was an unsuitable investment. Claimant alleged that Baker promised Claimant that she would monitor her investment and would sell the stock if the price dropped to 4 1/4. Claimant alleged that Baker failed to notify her until the price dropped to 4.

Respondents' Shearson Lehman Hutton, Inc. (hereinafter "Shearson") and Baker categorically denied Claimant's allegations and maintained that Claimant authorized the purchase of CBNI. Respondents maintained that Baker neither guaranteed the performance of CBNI nor told Claimant that a sale would be executed at 4 1/4. Respondent Baker further maintained that when the price had dropped to 4, he had contacted the Claimant but she decided to retain the stock. Respondent further alleged that Claimant's claim was barred by all relevant statutes of limitation. Claimant responded that her claim was not time barred.

RELIEF REQUESTED

Claimant request damages in the amount of \$2,875.00 and that the arbitrator award the Claimant her costs, including attorneys' fees.

Respondents request that Claimant's claim be dismissed in its entirety and that the arbitrator award their costs, including attorneys' fees.

AWARD

On September 29, 1989, the undersigned arbitrator heard the controversy between the parties as set forth in submissions to arbitration signed by Claimant Dale Sue Allen on November 9, 1988 and by Respondent Shearson Lehman Hutton, Inc. on February 6, 1989 and by Respondent Gregory Baker on February 21, 1989. The

DATED: October 11, 1989

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initial claim was filed on November 17, 1988. 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 Claimant's claim is dismissed in its entirety.
2. The parties shall each bear their respective costs including attorney's fees.
3. Pursuant to Section 43 of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall retain the \$100.00 filing fee previously deposited by the Claimant as costs for the single hearing session conducted in this matter.

PRESIDING ARBITRATOR

/s/

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Patrick J. Halter