

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

**Gary W. Harnetiaux and
Judith Harnetiaux**

Claimant(s)

vs.

**Blinder, Robinson & Co., Inc.
and Mr. Paul Mabry**

Respondent(s)

**NOTICE OF ARBITRATION
AWARD
88-03834**

CASE SUMMARY

Claimants Gary W. Harnetiaux and Judith Harnetiaux alleged that Respondent Blinder, Robinson & Co., Inc. and Mr. Paul Mabry sold to Claimants Blinder International Enterprises, Inc. stock at a price much higher than what was quoted to the Claimants. Gary W. Harnetiaux and Judith Harnetiaux alleged that Blinder, Robinson & Co., Inc. and Mr. Paul Mabry refused to execute on several occasions the Claimants' sell order of stock held with Blinder, Robinson & Co., Inc. Respondents maintain that Claimants have failed to state a claim upon which relief can be granted and damages sought by Claimants are speculative, remote, and unsupported by competent evidence. Respondents requested dismissal of claim and in addition have cross-claimed Paul Mabry for damages arising out of this proceeding.

RELIEF REQUESTED

Claimants Gary W. Harnetiaux and Judith Harnetiaux requested damages of \$7,835.00. Respondents requested dismissal of claim and costs.

AWARD

Pursuant to Section 13 of the NASD, Inc. Code of Arbitration Procedure ("Simplified Arbitration") a single arbitrator, Daniel Eugene Bivins III, was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimants on December 10, 1988 and by Respondents on February 17, 1989. The Arbitrator, having considered the proofs of the parties, has determined in full and final resolution of the issue submitted for determination as follows:

Finds the Respondents, Blinder, Robinson & Co., Inc. and Paul Mabry jointly and severally liable to the Claimants as follows:

- 1) for damages of Seven Thousand Eight Hundred Thirty Five Dollars and No Cents (\$7,835.00)
- 2) for the State of Colorado simple interest on the sum of \$7,835.00 commencing on December 9, 1986 and running until the date this Award is satisfied
- 3) all other claims, including the cross-claim, are denied.

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 Claimants shall be retained by the NASD, Inc. for processing costs.

June 16, 1989