

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Jeffrey and Kathy Dobson

Claimant(s)

vs.

Amerimutual Corp., Rosemary Grady,
Peter Valdez, Robert Diodato and
Guinness Capital Funding

Respondent(s)

NOTICE OF
ARBITRATION
AWARD

89-00281

CASE SUMMARY

Claimant(s) Jeffrey and Kathy Dobson alleged that Respondent(s) Amerimutual Corp., Rosemary Grady, Peter Valdez, Robert Diodato and Guinness Capital Funding failed to execute a sell order at the price quoted and delayed the execution of the order. Further, Respondents have failed to remit to Claimants any proceeds from the sale of the subject securities. Respondent Peter Valdez maintains that although he fielded Claimants' telephone call, he was in no way responsible for the sales transaction, which was executed by the branch office manager, Mr. Schwickrath and the trader, Ms. Grady. Respondent Richard Schwickrath maintains that Claimants' shares were sold "at market" as per her written request and Claimant was subsequently notified of the execution. Respondents Rosemary Grady, Robert Diodato, and Guinness Capital Funding failed to defend.

RELIEF REQUESTED

Claimant(s) Jeffrey and Kathy Dobson requested damages of Nine Hundred Dollars and No Cents (\$900.00). 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, Roneé C. McLaughlin, 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 July 27, 1989 and by Respondent(s) on Peter Valdez on January 23, 1990, and not by the Respondents Rosemary Grady, Robert Diodato and Guinness Capital Funding as required by Section 12(a) of the NASD, Inc. Code of Arbitration Procedure, respectively;

And, that the Arbitrator, having considered the proofs of the Parties, including any additional documentary submissions of the Claimant(s) and the Respondent(s) has decided and determined in full and final resolution of the issue submitted for determination as follows:

That Respondents Amerimutual Corp., Rosemary Grady, Peter Valdez and Robert Diodato are jointly and severally liable and will pay to the Claimants the sum of Nine Hundred Dollars and No Cents (\$900.00), and;

That the claim against Guinness Capital Funding is dismissed.

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

The \$15.00 filing fee previously deposited with the NASD, Inc. by the Claimant(s) will be refunded to the Claimants by the Respondent Diodato.

April 10, 1990

C H E C K L I S T

81-0681

Note: Fill out only those sections which apply to this particular case:

- 1) Find for the Claimant
 - (a) total amount of the award: \$ 900
 - (b) if two or more respondents are liable: yes ☒ no ☐
 - (1) joint and severally liable:
 - (2) if respondents separately liable list party and the amounts:
Guinness Capital Funding is dismissed
- 2) Case Dismissed _____
- 3) Counterclaim of Respondent
 - (a) total amount of award: \$ _____
 - (b) party to receive award: _____
 - (c) counterclaim dismissed: _____
- 4) Punitive Damages
 - (a) total amount \$ _____
 - (b) name parties against whom damages are to be assessed and in what amounts: _____
- (c) claim dismissed: _____
- 5) NASD Fee
 - (a) assessed against Claimant
 - (b) assessed against Respondent Diodato
- 6) Use this space to expand or clarify any part of the decision above or to indicate other forms of specific relief.

Affirmation

STATE OF Massachusetts

COUNTY OF Middlesex

I, Renee C. McLaughlin

, do hereby affirm upon my oath as arbitrator that I am the individual described in and who executed this instrument, which is my oath and award.

3/25/90

(DATE)

Renee C. McLaughlin

(SIGNATURE OF ARBITRATOR)

} SS: 569.37-0201
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