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NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In The Matter of The Arbitration Between

Mahbuben Mantab Scheily

Claimant(s)

vs.

Kennedy, Cabot & Co., Inc.

Respondent(s)

Award

NASD No. 89-00422

SUMMARY OF ISSUES

This case was filed on February 13, 1989. Claimant alleged that she opened a Money Market Account with Respondent in the amount of \$4500.00. She alleged that when she attempted to obtain the funds from Respondent in October, 1987, Respondent did not forward the money until 12 days later. Claimant alleged that Respondent continually lied to her regarding the release of her funds. Claimant alleged that because of her reliance on Respondent's promises to release her money, Claimant purchased shares of American Express and Occidental Petroleum through Donaldson, Lufkin & Jenrette, but that her account was sold at a loss because she did not receive her Money Market Account funds. Respondent admitted responsibility for the tardy disbursement of Claimant's funds, but alleged that it should not have to reimburse Claimant for unreasonable damages based upon erroneous computations and faulty law, Respondent stated that →

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DAMAGES AND RELIEF REQUESTED

Claimant requested damages in the amount of \$3,652.60,
interest of \$244.71, reimbursement of the \$400 NAD filing fee,
loss of time at \$50 per hour in the amount of \$3,000.00,
and treble damages of \$14,594.62. During the hearing
Claimant amended her claim, which was not objected to
by Respondent, to add ~~the~~ claims for \$229.23 in additional
interest, \$2100.00 in additional lost time, \$47.35 in
additional costs, and \$4,754.16 in additional
treble damages. Claimant requested a total of \$29,923.17.

DAMAGES AND RELIEF AWARDED

On February 13, 1990, in San Francisco, California,
the undersigned arbitrators heard the controversy, in 2 session(s),
between the parties as set forth in submissions to arbitration signed by
Claimant(s) on February 6, 1989

and by Respondent(s) on May 30, 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. Respondent is liable for and shall pay to
Claimant the sum of Two Thousand Six Hundred
One Dollars and Twenty Three Cents (\$2601.23),

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inclusive of interest.

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

3. In accordance with Section 43 of the National Association of Securities Dealers, Inc (NASD) Code of Arbitration Procedure;^{a)} the NASD shall retain/~~refund~~ the \$ 400 filing fee previously deposited by the Claimant as an assessment of forum fees by the arbitrator(s). Respondent is liable for & shall reimburse Claimant said \$400 filing fee; and
b) Respondent is assessed forum fees in the amount of \$400 to be paid directly to the National Association of Securities Dealers, Inc..

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