

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

George Prazak and Anna Prazak

Claimant(s)

vs.

Robert Mulvihill and
Kenneth Nightingale

Respondent(s)

NOTICE OF ARBITRATION
AWARD
89-00905

CASE SUMMARY

Claimant(s) George Prazak and Anna Prazak alleged that Respondent(s) Robert Mulvihill and Kenneth Nightingale made certain misrepresentations and engaged in faulty or late execution of Claimant's sell orders. Respondent(s) Nightingale maintains that Claimant was impatient and sought short-term gains. Respondent Mulvihill failed to reply.

RELIEF REQUESTED

Claimant(s) George Prazak and Anna Prazak requested damages of Two Thousand Three Hundred Fifty Seven Dollars and No Cents (\$2,357.00). 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, George R. Freund, 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 March 6, 1989 and not by the Respondent as required by Section 12(a) of the NASD, Inc. Code of Arbitration Procedure. The Arbitrator, having considered the proofs of the parties, has determined in full and final resolution of the issue submitted for determination as follows:

The Respondents share joint and several liability and shall pay the sum of Four Hundred Dollars and No Cents (\$400.00) to the Claimant.

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

The \$25.00 filing fee previously deposited with the NASD, Inc. by the Claimant(s) is assessed against the Respondents and shall be refunded to Claimant by Respondents.

September 27, 1989