

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Russell M. Bennett

Claimant(s)

vs.

Prudential-Bache Securities, Inc.,  
Robert S.C. Peterson, Inc. and  
Peterson Financial Corp.

Respondent(s)

NOTICE OF  
ARBITRATION

AWARD

89-00921

CASE SUMMARY

Claimant(s) Russell M. Bennett alleged that Respondent(s) Prudential-Bache Securities, Inc., Robert S.C. Peterson, Inc. and Peterson Financial Corp. failed to execute a sell order. Respondent Prudential-Bache Securities, Inc. denied any liability, alleging that it did not clear this trade since it was on a best efforts basis. Respondents Robert S.C. Peterson, Inc. (RSCP) and Peterson Financial Corp. requested that Peterson Financial be dismissed from the action and denied that Robert S.C. Peterson, Inc. was liable, maintaining that Prudential-Bache was negligent in its clearing operations (The Director of Arbitration denied the motion to dismiss). Respondent Peterson Financial Corp. denied liability, alleging that it was not connected to RSCP at the time of the sale of the stock. Respondent Kimbridge & Co. (as successor corporation to Robert S.C. Peterson, Inc.) did not respond.

RELIEF REQUESTED

Claimant(s) Russell M. Bennett requested damages of Three Thousand Eight Hundred Sixteen Dollars and No Cents (\$3,816.00). Respondent(s) requested dismissal of claim and costs and Respondent Robert S.C. Peterson, Inc. cross-claimed Respondent Prudential-Bache Securities, Inc. for any liability arising out of this proceeding.

AWARD

Pursuant to Section 13 of the NASD, Inc. Code of Arbitration Procedure ("Simplified Arbitration") a single arbitrator, Robert L. Agosto, 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 February 15, 1989 and by Respondent Prudential-Bache Securities, Inc. on May 23, 1989, and not by the Respondents Robert S.C. Peterson, Inc. and Peterson Financial Corp. 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 the Respondents are jointly and severally liable and shall pay to the Claimant the sum of Four Thousand Seven Hundred Fifty Dollars and No Cents (\$4,750.00), which includes interest, and;

That the cross-claim of the Respondent Robert S.C. Peterson, Inc. against Respondent Prudential-Bache Securities, Inc. is hereby dismissed in all respects.

That the cross-claim of the Respondent Prudential-Bache Securities, Inc. against Respondents Robert S.C. Peterson and Peterson Financial Corp. is hereby dismissed in all respects.

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

The \$100.00 filing fee previously deposited with the NASD, Inc. by the Claimant(s) shall be refunded to the Claimant by the Respondent Robert S.C. Peterson, Inc. and Peterson Financial Corp., who are jointly and severally liable for such amount.

August 3, 1990

Note: Fill out only those sections which apply to this particular case. Case Number 89-00921

- 1) Case Dismissed \_\_\_\_\_
- 2) Find for the Claimant  
(a) total amount of the award: \$4,750.00  
(b) if two or more respondents are liable:  
(1) joint and severally liable: yes X no \_\_\_\_\_  
(2) if respondents separately liable  
list party and the amounts: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 3) Cross Claims  
~~Counterclaim~~ of Respondents  
(a) total amount of award: \$ \_\_\_\_\_  
(b) party to receive award: \_\_\_\_\_  
(c) ~~claim~~ claims dismissed: X  
cross
- 4) Punitive Damages  
(a) total amount \$ \_\_\_\_\_  
(b) name parties against whom damages are to be  
assessed and in what amounts: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- (c) claim dismissed: JUL 30 1990
- 5) NASD Fee  
(a) assessed against Claimant \_\_\_\_\_  
(b) assessed against Respondent Robert S.C. Peterson X  
Inc. and Peterson Financial Corp.
- 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 ILLINOIS

} SS:  
}

COUNTY OF COOK

I, ROBERT L. AGUSTO, 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.

July 25, 1990

(DATE)

Robert L. Agosto

(SIGNATURE OF ARBITRATOR)