

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant(s)

Rick and Jane Cochran

89-01133

Name of Respondent(s)

Sherwood Capital Inc.
Matthew Wochele
Albert Pierantozzi

CASE SUMMARY

Claimants Rick and Jane Cochran alleged that Respondents Sherwood Capital, Inc., Matthew Wochele, and Albert Pierantozzi misrepresented securities to the Claimants and failed to qualify the Claimants for the suitability of these securities. Claimants further alleged that the Respondents negligently omitted facts regarding their investments and by failing to disclose relevant facts regarding the securities, the Claimants suffered financial losses creating a change in their lifestyle. Respondents maintained that the Claimant Rick Cochran was a sophisticated investor and initiated the investment relationship with the Respondents. Respondents further maintained that they always followed the instructions of Mr. Cochran with regard to his trading and never misrepresented investments to him.

RELIEF REQUESTED

Claimants requested compensatory damages in excess of \$86,000.00, punitive damages to be determined by the arbitrators, costs and attorneys fees, and for compensatory damages for emotional distress in an amount to be determined by the arbitrators. Respondents requested that the claims of the Claimants be dismissed.

AWARD

On August 16, 1990 and August 17, 1990 in Atlanta, Georgia, the undersigned arbitrators heard the controversy between the parties as set forth in submissions to arbitration signed by the Claimants Rick and Jane Cochran on March 29, 1989, by Respondent Sherwood Capital, Inc. on September 26, 1989, by Respondent Matthew Wochele on September 14, 1989, and by Respondent Albert Pierantozzi on September 14, 1989. The initial Statement of Claim was filed on April 13, 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 Sherwood Capital, Inc. is liable and shall pay to the Claimants the sum of Eighteen Thousand Nine Hundred Sixty Two Dollars and Ninety Seven Cents (\$18,962.97).
- (2) Respondent Matthew Wochele is liable and shall pay to the Claimants the sum of Nine Thousand Four Hundred Eighty One Dollars and Forty Eight Cents (\$9,481.48).
- (3) Respondent Alfred Pierantozzi is liable and shall pay to the Claimants the sum of Nine Thousand Four Hundred Eighty One Dollars and Forty Eight Cents (\$9,481.48).
- (4) The Claimants' claim for punitive damages be and hereby is denied.
- (5) The Claimants' claim for damages for emotional distress be and hereby is denied.
- (6) Each party shall bear their respective costs including attorneys fees.
- (7) Pursuant to Section 43 of the Code of Arbitration Procedure, the NASD, Inc. shall retain the \$500.00 filing fee previously deposited by the Claimants. Respondents are hereby jointly and severally assessed \$1,000.00 in forum fees and Claimants are assessed \$500.00 in forum fees made payable to the NASD, Inc. as costs of the four hearing sessions conducted in this matter.

CONCURRING ARBITRATORS

/s/ _____
James Giblin

/s/ _____
Chandler Bridges

/s/ _____
Catherine McClellan

Dated: August 22, 1990