

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant(s)

John G. Avery

89-01252

Name of Respondent(s)

R. G. Dickinson & Company
and David Butler

CASE SUMMARY

John G. Avery ("Claimant") alleged that David Butler, a registered representative of R.G. Dickinson & Co. (Butler and R.G. Dickinson are collectively referred to herein as "Respondents") misrepresented and omitted to state material facts regarding Mariah International, Inc. and Guild Mark Industry, Inc. . The Respondents denied the claims of the Claimant and further alleged that the Claimant was aware of all the material facts and risks associated with the investments.

RELIEF REQUESTED

Claimant requested actual damages in the amount of \$19,300, plus attorneys' fees and cost in the amount of \$7,178.00.

Respondents requested that the Claimant's claim be dismissed.

AWARD

On April 28, 1989 the NASD received the Claimant's claim. On July 9, 1990 during a hearing lasting two sessions, the undersigned arbitrators heard the controversy between the parties as set forth in submissions to arbitration signed on April 26, 1989 by James Farley on behalf of the Claimant, on July 11, 1989 by Robert L. Cram on behalf of the Respondent R.G. Dickinson & Co., Inc., and on June 30, 1990 by Respondent David Butler.

The arbitration panel, having considered the pleadings, the testimony, and the evidence presented at the hearing, has decided in full and final resolution of the issues submitted for determination as follows:

1. All claims asserted by the Claimant against the Respondents shall be dismissed.
2. The parties shall bear their own attorneys fees and costs.
3. Pursuant to Section 43(b) of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall retain as forum fees, the \$400.00 filing fee previously deposited with the NASD by the Claimant and the Respondents shall be jointly liable for and shall pay to the NASD \$400.00 as forum fees.

By the Panel

Dated: _____

/S/ _____
Jeffrey B. Messing

Dated: _____

/S/ _____
George A. Schade Jr., Esq.

Dated: 10/22/90

/S/ 
Oran R. Brown

Arbitration

National Association of
Securities Dealers, Inc.
Suite 1680
Three First National Plaza
Chicago, IL 60602
(312) 899-4440

The arbitration panel, having considered the pleadings, the testimony, and the evidence presented at the hearing, has decided in full and final resolution of the issues submitted for determination as follows:

1. All claims asserted by the Claimant against the Respondents shall be dismissed.
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By the Panel

Dated: 11/22/90

/S/ Jeffrey B. Messing

Dated: _____

/S/ George A. Schade Jr., Esq.

Dated: _____

/S/ Oran R. Brown

Date Served: November 6, 1990

The arbitration panel, having considered the pleadings, the testimony, and the evidence presented at the hearing, has decided in full and final resolution of the issues submitted for determination as follows:

1. All claims asserted by the Claimant against the Respondents shall be dismissed.
2. The parties shall bear their own attorneys fees and costs.
3. Pursuant to Section 43(b) of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall retain as forum fees, the \$400.00 filing fee previously deposited with the NASD by the Claimant and the Respondents shall be jointly liable for and shall pay to the NASD \$400.00 as forum fees.

By the Panel

Dated: _____

/s/ _____
Jeffrey B. Messing

Dated: October 31, 1990

/s/ George A. Schade Jr.
George A. Schade Jr., Esq.

Dated: _____

/s/ _____
Oran R. Brown