

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Donald E. Macalik

Claimant(s)

vs.

Blinder, Robinson & Co., Inc.,  
Sean McSorley and  
Daniel Defoe

Respondent(s)

NOTICE OF  
ARBITRATION  
AWARD  
89-01324

CASE SUMMARY

Claimant(s) Donald E. Macalik alleged that Respondent(s) Blinder, Robinson & Co., Inc., Sean McSorley and Daniel Defoe purchased securities in Claimant's account without authorization and subsequently made numerous misrepresentations concerning the status of Claimant's account. Respondent(s) denied all allegations. Further, Blinder, Robinson & Co., Inc. and Daniel Defoe entered a cross-claim against Respondent Sean McSorley for indemnification against any liability arising from this proceeding.

RELIEF REQUESTED

Claimant(s) Donald E. Macalik requested damages of Two Thousand Eight Hundred Twenty Dollars and No Cents (\$2,820.00). 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, 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 April 13, 1989 and by Respondent(s) on August 14, 1989 and October 12, 1989, respectively;

And, that the Arbitrator, having considered the proofs of the Parties, including any additional documentary submissions of the Claimant(s) and the Respondents(s) has decided and determined in full and final resolution of the issue submitted for determination as follows:

The Respondents share joint and several liability and shall pay to Claimant the sum of Nine Hundred Thirty Dollars and No Cents (\$930.00), and;

The cross-claim of Respondents Blinder, Robinson & Co., Inc. and Daniel Defoe against Respondent Sean McSorley is granted and is limited to Three Hundred Ten Dollars (\$310.00) of the total amount of the award of Nine Hundred Thirty Dollars and No Cents (\$930.00).

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) is assessed against the Respondents and shall be refunded to the Claimant by the Respondents.

January 3, 1990