

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Richard P. Thomas and
Caroline J. Thomas JTWROS

Claimant(s)

vs.

Kennedy, Cabot & Co.

Respondent(s)

NOTICE OF
ARBITRATION
AWARD
89-01729

CASE SUMMARY

Claimant(s) Richard P. Thomas and Caroline J. Thomas JTWROS alleged that Respondent(s) Kennedy, Cabot & Co. failed to execute a transaction. Respondent(s) maintain that they did not solicit any orders from the Claimants and accordingly should not be held liable for Claimants' failure to properly monitor his own records and review his order tickets before signing them for entry into the market.

RELIEF REQUESTED

Claimant(s) Richard P. Thomas and Caroline J. Thomas JTWROS requested damages of Five Hundred Seventy Seven Dollars and No Cents (\$577.00). 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, Roneé C. McLaughlin, 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 May 26, 1989 and by Respondent(s) on October 27, 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:

That the Respondent is liable and will pay to the Claimant the sum of Five Hundred Seventy Seven Dollars and No Cents (\$577.00).

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

The \$15.00 filing fee previously deposited with the NASD, Inc. by the Claimant(s) will be refunded to the Claimant by the Respondent.

December 26, 1989