

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Yu-Wen Tung

Claimant(s)

vs.

Robert Pocilio

Respondent(s)

NOTICE OF
ARBITRATION
AWARD
89-01915

CASE SUMMARY

Claimant(s) Yu-Wen Tung alleged that Respondent(s) Robert Pocilio engaged in misrepresentation in connection with stocks sold to Claimant. Respondent did not answer.

RELIEF REQUESTED

Claimant(s) Yu-Wen Tung requested damages of One Thousand Two Hundred Fourteen Dollars and Forty Cents (\$1,214.40).

AWARD

Pursuant to Section 13 of the NASD, Inc. Code of Arbitration Procedure ("Simplified Arbitration") a single arbitrator, Delores I. Smith, 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 June 30, 1990 and not by the Respondent as required by Section 12(a) of the NASD, Inc. Code of Arbitration Procedure;

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 Respondent is liable and shall pay to the Claimant the sum of One Thousand Two Hundred Fourteen Dollars and Forty Cents (\$1,214.40), plus interest at the rate of ten percent (10%) per annum from May 15, 1986 to August 20, 1990.

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.
August 29, 1990

Note: Fill out only those sections which apply to this particular case: Case Number 89-01915:

- 1) Case Dismissed _____
- 2) Find for the Claimant
(a) total amount of the award: \$ \$1, 214.40 plus
(b) if two or more respondents are liable: interest
(1) joint and severally liable: yes _____ no _____
(2) if respondents separately liable
list party and the amounts: _____

- 3) Counterclaim of Respondent
(a) total amount of award: \$ _____
(b) party to receive award: _____
(c) counterclaim dismissed: _____
- 4) Punitive Damages
(a) total amount \$ _____
(b) name parties against whom damages are to be
assessed and in what amounts: _____

- (c) claim dismissed: _____
- 5) NASD Fee
(a) assessed against Claimant _____
(b) assessed against Respondent X
- 6) Use this space to expand or clarify any part of the
decision above or to indicate other forms of specific
relief.

Respondent Robert Pociello shall pay to claimant Yu-Wen Tung the
sum of One Thousand Fourteen Dollars and Forty Cents (\$1, 214.40).
Interest shall be added to the award at the rate of Ten Percent
(10%) per annum from May 15, 1986 to the date of the award.

The award against the respondent was entered by default.

AUG 28 1990

Affirmation

STATE OF CALIFORNIA

} SS:
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COUNTY OF LOS ANGELES

I, Delores I. Smith, 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.

August 20, 1990

(DATE)

Delores I. Smith

(SIGNATURE OF ARBITRATOR)