

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between

Lena Valent

Claimant

vs.

CASE #89-02274

AWARD

Joseph P. McGivney & Associates, Inc
Drake & Co. Investment Services, Inc.

Respondents

CASE SUMMARY

Claimant alleges Respondents failed to carry out a sell order. Respondent Joseph P. McGivney & Associates, Inc. ("J.P. McGivney") contends the losses in the stock purchased by Claimant were caused by an illegal short selling conspiracy involving Perishing Division of Donaldson, Lufkin and Jenerette. Respondent Drake & Co. Investment Services, Inc. ("Drake & Co.") contends that as clearing broker it had no responsibility to oversight J.P. McGivney. Claimant withdrew its claim against Respondent Drake & Co.

RELIEF REQUESTED

Claimant seeks at least \$40,000.00 in damages, costs and legal fees. Respondents seek dismissal.

AWARD

On May 24, 1990, the undersigned arbitrators heard the controversy between the parties as set forth in submissions to arbitration signed by Claimant on August 9, 1989. The hearing was conducted at the offices of the NASD located in Philadelphia, PA and consisted of one (1) hearing session. 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. It is the decision of the arbitrators that Respondent J.P. McGivney shall pay to the Claimant Lena Valent the sum of Forty Seven Thousand Nine Hundred Eighteen Dollars and Thirteen Cents (\$47,918.13) (interest included) in settlement of all claims.
2. The parties shall each bear their respective costs, except as set forth below including attorney's fees.
3. Pursuant to Section 43 of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall retain the \$400.00 filing fee previously deposited by the Claimant. Respondent J.P. McGivney be and hereby is liable for the cost of the forum fee and shall reimburse Claimant the \$400.00.

ARBITRATORS CONCURRING

/s/
John J. Jordan

/s/
Albert Mancini, Jr.

/s/
Michael Quarto

DATED: MAY 24, 1990