

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant(s)

Robert N. White

89-02455

Name of Respondent(s)

The Stuart James Company, Inc.
Anthony Byrne
Christopher Murray

CASE SUMMARY

Claimant Robert N. White alleged that Respondents The Stuart James Co., Inc., Anthony Byrne, and Christopher Murray misrepresented the risks involved in recommending securities to him, promised high yield on the misrepresented securities, and induced the Claimant's purchase of them despite the high risk involved. Respondent Stuart James Co., Inc. maintained that full disclosure was made for all securities that were purchased by the Claimant, and asserted that the Claimant failed to object to any trades as unauthorized. Respondent Anthony Byrne maintained that he never guaranteed any investments to the Claimant and ensured that the Claimant was aware of all risks involved in his trading. Respondent Christopher Murray did not file a formal Statement of Answer to the Statement of Claim.

RELIEF REQUESTED

Claimant requested monetary damages in excess of \$30,000, punitive damages in an amount to be determined by the arbitration panel, costs, expenses, interest, and disbursements, including attorneys fees. Respondent Stuart James Co., Inc. requested that the Statement of Claim be dismissed and asserted a Motion to Sever Stuart James Co., Inc. from the proceeding. Respondent Anthony Byrne requested that the Statement of Claim be dismissed. Respondent Christopher Murray did not file a formal Statement of Answer to the Statement of Claim.

AWARD

On July 11, 1990 in Atlanta, Georgia, the undersigned arbitrators heard the controversy between the parties as set forth in submissions to arbitration signed by the Claimant Robert N. White on August 8, 1989, by Respondent Stuart James Co., Inc. on February 11, 1990 and not signed by Respondents Anthony Byrne and Christopher Murray as required by Sections 12 and 25 of the Code of Arbitration Procedure (Code). Further, a formal Statement of Answer was not filed by Respondent Christopher Murray as required by Sections 12 and 25 of the Code despite due notice being given of the Statement of Claim. 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) Respondent Christopher Murray is liable and shall pay to the Claimant Robert N. White the sum of One Thousand Dollars and No Cents (\$1,000.00).

(2) Respondent Anthony Byrne is liable and shall pay to the Claimant Robert N. White the sum of One Thousand Dollars and No Cents (\$1,000.00).

(3) The panel has no finding against Stuart James Co., Inc. due to settlement with the Claimant prior to the first hearing session.

(4) Respondent Stuart James Co., Inc.'s Motion to Sever is denied.

(5) The Claimant's claim for punitive damages is denied.

(6) The parties shall each bear their respective costs including attorneys fees.

(7) Pursuant to Section 43 of the Code of Arbitration Procedure, the NASD, Inc. shall retain the \$400.00 filing fee previously deposited by the Claimant as costs of the two hearing sessions conducted in this matter.

Concurring Arbitrator(s) Signature

Christopher J. Moran, Jr.

Hartwell D. Hooper


Ralph Bornheim

Dated:

(2) Respondent Anthony Byrne is liable and shall pay to the Claimant Robert N. White the sum of One Thousand Dollars and No Cents (\$1,000.00).

(3) The panel has no finding against Stuart James Co., Inc. due to settlement with the Claimant prior to the first hearing session.

(4) Respondent Stuart James Co., Inc.'s Motion to Sever is denied.

(5) The Claimant's claim for punitive damages is denied.

(6) The parties shall each bear their respective costs including attorneys fees.

(7) Pursuant to Section 43 of the Code of Arbitration Procedure, the NASD, Inc. shall retain the \$400.00 filing fee previously deposited by the Claimant as costs of the two hearing sessions conducted in this matter.

Concurring Arbitrator(s) Signature

Christopher J. Moran, Jr.

Hartwell D. Hooper
Hartwell D. Hooper

Ralph Bornheim

Dated:

(2) Respondent Anthony Byrne is liable and shall pay to the Claimant Robert N. White the sum of One Thousand Dollars and No Cents (\$1,000.00).

(3) The panel has no finding against Stuart James Co., Inc. due to settlement with the Claimant prior to the first hearing session.

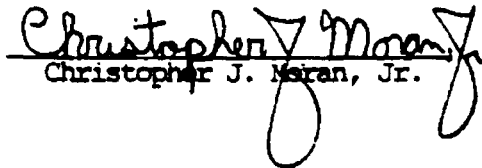
(4) Respondent Stuart James Co., Inc.'s Motion to Sever is denied.

(5) The Claimant's claim for punitive damages is denied.

(6) The parties shall each bear their respective costs including attorneys fees.

(7) Pursuant to Section 43 of the Code of Arbitration Procedure, the NASD, Inc. shall retain the \$400.00 filing fee previously deposited by the Claimant as costs of the two hearing sessions conducted in this matter.

Concurring Arbitrator(s) Signature


Christopher J. Moran, Jr.

Hartwell D. Hooper

Ralph Bornheim

Dated:

August 10, 1990