

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Pamela B. Marian

Claimant(s)

vs.

Smith Barney, Harris Upham & Co., Inc.,
and Gary D. Smith

Respondent(s)

NOTICE OF
ARBITRATION
AWARD
89-03285

CASE SUMMARY

Claimant(s) Pamela B. Marian alleged that Respondent(s) Smith Barney, Harris Upham & Co., Inc., and Gary D. Smith failed to execute trades. Respondent(s) maintain that Claimant had control over her account and at all times Claimant instructions were followed by Respondent.

RELIEF REQUESTED

Claimant(s) Pamela B. Marian requested damages of Two Thousand Eighty Nine Dollars and No Cents (\$2,089.00). 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 October 31, 1989 and by Respondent(s) on January 26, 1990, respectively;

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 Gary D. Smith is solely liable for misrepresentation and shall pay to the Claimant the sum of Five Hundred Dollars and No Cents (\$500.00), and;

Notice of Arbitration Award

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That all claims against Respondent Smith Barney, Harris Upham & Co., Inc. are dismissed.

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

The \$25.00 filing fee previously deposited with the NASD, Inc. by the Claimant(s) shall be refunded to the Claimant by the Respondent Smith.

May 21, 1990