

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Mike A. Klinglesmith

Claimant(s)

vs.

Dominick and Dominick, Inc.
and Wayne W. Ratliff

Respondent(s)

NOTICE OF
ARBITRATION
AWARD

90-00355

CASE SUMMARY

Claimant(s) Mike A. Klinglesmith alleged that Respondent(s) Dominick and Dominick, Inc. and Wayne W. Ratliff failed to cease option trading in his account when he requested them to do so. Respondent(s) maintain that Claimant was always aware of any trades prior to their execution.

RELIEF REQUESTED

Claimant(s) Mike A. Klinglesmith requested damages of Two Thousand Three Hundred Dollars and No Cents (\$2,300.00). 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, Richard C. Moenning, 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 April 3, 1990 and not by the Respondents 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 Respondents are jointly and severally liable and shall pay to the Claimant the sum of Two Thousand Three Hundred Dollars and No Cents (\$2,300.00).

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

Notice of Arbitration Award
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The \$25.00 filing fee previously deposited with the NASD, Inc. by the Claimant(s) shall be refunded to the Claimant by the Respondents, who are jointly and severally liable for such amount.

August 7, 1990

Note: Fill out only those sections which apply to this particular case: Case Number 90-00355

- 1) **Case Dismissed** _____
- 2) **Find for the Claimant**
(a) total amount of the award: \$ 2,300.00
(b) if two or more respondents are liable:
(1) joint and severally liable: yes X no _____
(2) if respondents separately liable
list party and the amounts: _____

- 3) **Counterclaim of Respondent**
(a) total amount of award: \$ N/A
(b) party to receive award: _____
(c) counterclaim dismissed: _____
- 4) **Punitive Damages**
(a) total amount \$ N/A
(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.**

AUG 7 1990

Affirmation

STATE OF Illinois

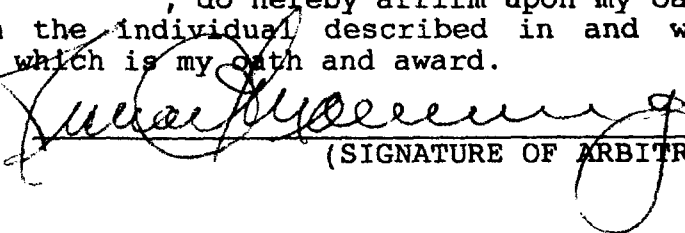
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COUNTY OF Cook

I, Richard C. Moenning, 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.

8/2/90

(DATE)


(SIGNATURE OF ARBITRATOR)