

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant(s)

Paul J. Heffernan

Name of Respondent(s)

G.K. Scott & Company, Inc.

90-00511

NATIONAL ASSOCIATION  
OF SECURITIES DEALERS

ARBITRATION-CHICAGO

MAR 22 1991

ARBITRATION-CHICAGO

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. ("NASD") on or about February 16, 1990, Paul J. Heffernan ("Claimant") alleged that an agent for G.K. Scott & Co., Inc. ("Respondent") agreed to sell the Claimant \$75,000 worth of Cryomedical Sciences, Inc. ("CSI"), and the Respondent subsequently failed to deliver the shares of CSI in breach of the parties agreement. Claimant alleged further that the Respondent was liable to him for 1) breach of contract, 2) violations of the Securities and Exchange Act, the NASD Rules of Fair Practice, the Illinois Consumer Fraud and Deceptive Business Practices Act, and 3) negligence.

Respondent denied the claims of the Claimant. Respondent also asserted a counterclaim for its fees and costs.

RELIEF REQUESTED

Claimant requested actual damages of \$217,500, punitive damages of \$600,000, attorneys' fees, interest, and costs. Respondent requested that the claim be dismissed and an award of its fees and costs.

PROCEDURAL MATTERS

On February 11, 1990 in Chicago, Illinois during a hearing lasting a total of two sessions, the undersigned arbitrators heard the controversy between the parties as set forth in submissions to arbitration signed on February 1, 1990 by Claimant and on May 30, 1990 by George Kevorkian on behalf of Respondent.

The parties have agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered. In either case, the parties have agreed to receive conformed copies of the award while the original(s) remain on file with the NASD.

AWARD

The arbitration panel, having considered the pleadings, the testimony, and the evidence presented at the hearing, has decided in full and final resolution of the issues submitted for determination as follows:

1. All claims asserted by the Claimant against the Respondent are hereby dismissed;
2. The counterclaim asserted by the Respondent against the Claimant is hereby dismissed;
3. The parties shall bear their own attorneys' fees and costs;
4. Pursuant to Section 43(c) of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall retain the hearing session deposit in the amount of \$750.00 previously deposited with the NASD by the Claimant and the Respondent shall pay to the NASD \$750.00 as forum fees.

Concurring Arbitrator(s) Signature

\_\_\_\_\_  
Warren P. Landsman, Esq.  
Presiding Chair

\_\_\_\_\_  
*Jacques F. Heilingoetter, Jr.*  
Jacques F. Heilingoetter, Jr.

\_\_\_\_\_  
Michael Brennan  
Industry Arbitrator

Dated: \_\_\_\_\_

Dated: 3/18/91

Dated: \_\_\_\_\_

AWARD

The arbitration panel, having considered the pleadings, the testimony, and the evidence presented at the hearing, has decided in full and final resolution of the issues submitted for determination as follows:

1. All claims asserted by the Claimant against the Respondent are hereby dismissed;
2. The counterclaim asserted by the Respondent against the Claimant is hereby dismissed;
3. The parties shall bear their own attorneys' fees and costs;
4. Pursuant to Section 43(c) of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall retain the hearing session deposit in the amount of \$750.00 previously deposited with the NASD by the Claimant and the Respondent shall pay to the NASD \$750.00 as forum fees.

Concurring Arbitrator(s) Signature

\_\_\_\_\_  
Warren P. Landsman, Esq.  
Presiding Chair

Dated: \_\_\_\_\_

\_\_\_\_\_  
Jacques F. Heilingoetter, Jr.

Dated: \_\_\_\_\_

  
\_\_\_\_\_  
Michael Brennan  
Industry Arbitrator

Dated: 2/28/91

AWARD

The arbitration panel, having considered the pleadings, the testimony, and the evidence presented at the hearing, has decided in full and final resolution of the issues submitted for determination as follows:

1. All claims asserted by the Claimant against the Respondent are hereby dismissed;
2. The counterclaim asserted by the Respondent against the Claimant is hereby dismissed;
3. The parties shall bear their own attorneys' fees and costs;
4. Pursuant to Section 43(c) of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall retain the hearing session deposit in the amount of \$750.00 previously deposited with the NASD by the Claimant and the Respondent shall pay to the NASD \$750.00 as forum fees.

Concurring Arbitrator(s) Signature

  
Warren P. Landsman, Esq.  
Presiding Chair

Dated: FEB 28 1987

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Jacques F. Heilingoetter, Jr.

Dated: \_\_\_\_\_

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Michael Brennan  
Industry Arbitrator

Dated: \_\_\_\_\_