



Arbitration

National Association of  
Securities Dealers, Inc.  
NASD Financial Center  
33 Whitehall Street  
New York, New York 10004

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

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In the Matter of the Arbitration Between

National Securities Network, Inc.

Claimant

vs.

Award  
Case# 90-00590

First Independent Holding Corporation

Respondent

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CASE SUMMARY

Claimant, National Securities Network, Inc. ("Claimant") alleged that Respondent, First Independent Holding Corp. ("Respondent") on November 16, 1989 placed orders to purchase five million dollars (face value) treasury bills with a settlement date of November 17, 1989. Claimant alleged that its employees executed the requested trades. Claimant alleged that Respondent failed to pay for these securities on settlement date, but Respondent represented that a margin payment sufficient to settle the transaction would be delivered on November 20, 1989. Claimant alleged that the margin payment was not received on November 20, 1989 and that the Claimant sold the securities in accordance with the normal industry practice leaving a debit balance of \$36,380.55. Claimant alleged that this debit balance remains due and owing.

Respondent did not respond to Claimant's claim.

RELIEF REQUESTED

Claimant requested damages in the amount of \$36,380.55, plus interest, costs and disbursements including attorneys' fees.

5. Respondent/Claimant is assessed forum fees in the amount of \$ \_\_\_\_\_ payable to the NASD, Inc. through its staff counsel/administrator in accordance with Section 43 of the Code of Arbitration Procedure.

ARBITRATORS CONCURRING

Robert F. Wallace, Jr.  
Kerry E. Wallace, Jr.  
Michael Fischetti  
Michael Fischetti  
Alexander Heckman  
Alexander Heckman

ARBITRATORS DISSENTING  
(if any)

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AWARD

On Wednesday November 21, 1990, the undersigned arbitrators heard the controversy between the parties as set forth in submissions to arbitration signed by the Claimant, on February 8, 1990. Respondent did not submit an answer or attend the hearing, however Respondent executed a Cash Account Agreement with which contained an Arbitration Clause that was executed by the Respondent on November 6, 1989. Attached to this award are letters which indicate that Respondent received notice of this Arbitration. Pursuant to Section 12(a) of the Code of Arbitration Procedure, the arbitration panel exercised its jurisdiction over the Respondent. The hearing was held in Washington, D.C. and consisted of 1 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. That Respondent is liable and shall pay to the Claimant the sum of Thirty Six Thousand Three Hundred Eighty and 55/100 Dollars (\$36,380.55); plus interest in the amount of Three Thousand Three Hundred and Fifty Four and 71/100 Dollars (\$3,354.71) for a sum total of Thirty Nine Thousand Seven Hundred Thirty Five and 26/100 Dollars (\$39,735.26).
2. The Parties shall each bear their respective costs, including attorneys 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.

Arbitrator Signature(s)

/s/

Perry E. Wallace, Jr.

/s/

Michael Fischetti

/s/

Alexander Heckman

DATED: November 27, 1990