

## N.A.S.D. AWARD

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

NATIONAL ASSOCIATION OF SECURITIES DEALERS

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In the Matter of the Arbitration BetweenName of Claimants

Johnnie D. &amp; Suzetta Plunkett

vs

Case #  
90-01241  
**AWARD**

Name of Respondent

Shearson Lehman Hutton, Inc.

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CASE SUMMARY

Claimants, Johnnie and Suzette Plunkett, allege that Robert Mobley, a financial consultant with Respondent, Shearson Lehman Hutton, Inc., misrepresented to them that if they invested their \$50,000.00 in U. S. Government High Yield Trust, their principal would be as safe as if they had placed their money in a certificate of deposit. Claimant contend that based upon that representation they invested \$50,000 in U. S. Government High Yield Trust and sustained almost \$12,000.00 loss of their principal.

Respondent denies liability and contends that Claimant was advised that the value of the fund could fluctuate depending upon market conditions. Respondent further contends that the investment was consistent with Claimants' objective which was an investment that would provide a guaranteed high annual yield.

RELIEF REQUESTED

Claimants request that the arbitrator award her \$12,000.00 or the difference between the amount of their investment and the amount in the fund. Respondent requests that the arbitrator dismiss the claim in its entirety and award it costs and attorney's fees.

AWARD

On November 28, 1990, said date representing two hearing sessions for this hearing which was conducted in Atlanta, Georgia, the undersigned arbitrator heard the controversy between the parties as set forth in submissions to

arbitration signed by the Claimants on March 30, 1990 and by Respondent on August 14, 1990. The Statement of Claim was filed with the National Association of Securities Dealers, Inc. on May 02, 1990. This arbitrator 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 is hereby liable to the Claimants for the sum of Two Thousand Dollars and Zero Cent (\$2,000.00);
2. Respondent is also liable to the Claimants for interest on the above sum at a rate of ten percent (10%) from November 28, 1990 to the date of payment;
3. The parties shall each bear their respective costs, including attorneys' fees;
4. Forum fees for two hearing sessions in the amount of \$800.00 is assessed and shall be divided equally between the parties as stated below;
5. Pursuant to Section 43 of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall retain the \$400.00 previously deposited by the Claimant. Claimant is further assessed \$100.00 non-refundable deposit which shall be made payable to the NASD, Inc.;
6. Respondent is assessed \$400.00 in forum costs which shall be made payable to the NASD, Inc. in accordance with the Code.

ARBITRATOR SIGNATURE

  
Michael A. Caldwell, Esq.

DATED BY NASD  
JANUARY 16, 1991