

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between
John and Donna O'Brien

OATH AND
AWARD OF
ARBITRATOR

90-01586

Claimant

vs.

Ralph A. Aballo

Respondents

SEP 14 1990

Having been selected as an arbitrator to consider and determine the matter in controversy between the above-captioned parties, I solemnly swear or affirm that:

- I am not an employer of, employed by or related by blood or marriage to any of the parties or witnesses whose names have been disclosed to me, and

- I have no interest directly or indirectly in this proceeding, and

- I know of no existing or past financial, business, professional, family or social relationship which would impair me from performing my duties, and

- I shall consider and decide the controversy faithfully and fairly and render a just award to the best of my understanding,

CASE SUMMARY

Claimant(s) John and Donna O'Brien alleged that Respondent(s) Ralph A. Aballo partially executed a sell-order by failing to liquidate one of four mutual funds and promised to repay Claimants for the loss incurred. Respondent(s) denied Claimants allegations and maintains the sell order given by Claimants did not include the particular mutual fund in question.

RELIEF REQUESTED

Claimant(s) John and Donna O'Brien requested damages of Two Thousand Fifty Two Dollars and No Cents (\$2,052.00). Respondent(s) requested dismissal of claim and costs.

The undersigned being the arbitrator selected to review and determine a matter in controversy between the above-mentioned Claimant(s) and Respondent(s), set forth in a submission to Arbitration signed by the Parties on June 1, 1990 and July 25, 1990 respectively;

And, that having reviewed and considered the proofs of the Parties, including any additional documentary submissions of the Claimant(s) and the Respondent(s) has decided and determined that in full and final settlement of the above-captioned matter,

Notice: Fill out only those sections which apply to this particular case: Case Number 90-01586:

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

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

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Affirmation

STATE OF MARYLAND

} SS:
}

COUNTY OF BALTIMORE

I, THOMAS B. COREY, 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.

September 12, 1990
(DATE)

Thomas B. Corey
(SIGNATURE OF ARBITRATOR)