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**NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.**

In the Matter of the Arbitration Between	)	
Mitchell C. Green	)	
Claimant	)	
vs.	)	AWARD
Kidder Peabody & Company	)	NASD #91-00590
Craig Dimond	)	
Respondents	)	

**REPRESENTATION**

Claimant represented himself.

Respondent Kidder Peabody & Company was represented by in-house counsel, William Phelps, Esq., Los Angeles, California.

Craig Dimond represented himself, but did not appear at the hearing.

**SUMMARY OF ISSUES**

Claimant alleged misrepresentation, breach of fiduciary duty, fraud, conversion of funds, embezzlement, failure to execute and failure to supervise with respect to options trading.

Respondent Kidder, Peabody denied all allegations, and asserted that Claimant suffered no losses and thus has no basis for recovery. Respondent further asserted that Claimant is a sophisticated, experienced investor.

**DAMAGES AND RELIEF REQUESTED**

Claimant requested actual damages of \$5,000.00, plus interest, punitive damages, costs of arbitration and attorney's fees.

Respondent Kidder, Peabody requested dismissal of all claims.

Respondent Dimond did not make a request for relief prior to the hearing date. The morning of the hearing, Mr. Dimond left a package of materials including a written response to the claim, at the hearing location on October 4, 1991 at 8:50 AM.

### DAMAGES AND RELIEF AWARDED

This claim was filed with the NASD on February 25, 1991. On October 4, 1991, the undersigned arbitrator heard the controversy between the parties as set forth in submissions to arbitration signed by Claimant on February 21, 1991, and by an authorized representative of Kidder Peabody on April 2, 1991. Respondent Craig Dimond did not submit an executed submission agreement. The hearing was conducted in Los Angeles, California and lasted one (1) session. The 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 as follows:

1. All claims, including the claim for punitive damages, asserted by Claimant are dismissed.

2. The parties shall each bear their respective costs including attorneys' fees.

3. In accordance with Section 43 of the NASD Code of Arbitration Procedure, the NASD shall retain the \$100 hearing session fee previously deposited by the Claimant as an assessment of forum fees.

### OTHER ISSUES

None.

DATE SERVED: 10/24/91

  
George M. Wiener