

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Estate of Blanche Price Nuernberger

No. 9100687

Name of Respondent

Norstar Brokerage Corporation

REPRESENTATION OF PARTIES

For Claimant: Robert P. Beilfuss, Esq. of Davis & Cichorski.

For Respondent: James Mukoyama, Jr., Branch Manager, Chicago Office, Norstar Brokerage Corporation.

CASE INFORMATION

Statement of Claim filed: on or about February 26, 1991.

Claimant's Submission Agreement signed on February 19, 1991
by: Irvine E. Nuernberger.

Statement of Answer filed by Respondent Norstar Brokerage Corporation on: November 1, 1991.

The NASD does not have record of Respondent Norstar Brokerage Corporation filing a Submission to Arbitration.

HEARING INFORMATION

Hearing date: January 28, 1992. 1 session.

Location: Chicago, Illinois.

CASE SUMMARY

The Estate of Blanche Price Nuernberger ("Claimant") alleged that on or about August 6, 1990, a representative for Claimant's estate delivered for immediate sale a number of securities, owned by the decedent, to the Chicago office of Respondent Norstar Brokerage Corporation ("Respondent"). Claimant's representative followed all procedures to place a "sell order", however, Respondent did not sell the stock until September 6, 1990. It was also alleged that Respondent asked Claimant's representative for an extra affidavit of domicile for Respondent's own file, and that Claimant's AT&T stock would be sold after the extra affidavit was provided. Claimant alleged compliance with Respondent's request. All other stocks were to have been sold immediately. The other stocks held by Claimant were: Commonwealth Edison; General Motors Corporation; General Motors Electric Data Systems Corporation; GM Hughes Electronics Corporation; Georgia Power \$2.56 pref.; Ohio Edison Co.; Peoples Gas Co.; Pinnacle West-AZP Group; and General Telephone of Michigan Bond.

Respondent categorically denied each and every allegation of wrongdoing and liability set forth in and implied by the Statement of Claim.

RELIEF REQUESTED

Claimant requested the arbitrator award Claimant the sum of \$1,520.75, plus interest, costs and attorneys fees.

Respondent requested that the arbitrators dismiss the claim of the claimant in its entirety and assess costs of the arbitration against the Claimant.

OTHER ISSUES CONSIDERED & DECIDED

Respondent Norstar Brokerage Corporation did not file with the NASD a properly executed submission to arbitration but is required to submit to arbitration pursuant to Section 12 of the NASD Code of Arbitration Procedure and having answered the claim, appeared and testified at the hearing is bound by the determination of the arbitration panel on all issues submitted.

Claimant made a section 25 motion to preclude the Respondents from answering because the answer was filed late. After hearing argument on the motion, and deliberation, the arbitrator granted Claimant's motion.

Claimant further moved, under section 32(c) of the Code of Arbitration Procedure, to preclude Respondents from submitting any documents or witnesses at the hearing due to Respondent's failure to comply with the 10 day pre-hearing exchange. After hearing argument, and deliberation, the arbitrator deferred his ruling on the motion, and allowed the case to proceed. This motion was denied.

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

After considering the pleadings, the testimony, and the evidence presented at the hearing, the undersigned arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondent Norstar Brokerage Corporation is liable for, and shall pay to the Claimant, the Estate of Blanche Price Nuernberger the sum of \$1,520.75 plus interest at the statutory rate from the date of filing this arbitration, until paid in full as satisfaction of its claim herein;
2. Claimant, the Estate of Blanche Price Nuernberger's claims for attorney's fees and costs are hereby denied and dismissed; and
3. Respondent Norstar Brokerage Corporation and Claimant, the Estate of Blanche Price Nuernberger shall split the hearing session fees equally.

FORUM FEES

Pursuant to Section 43 (c) of the NASD Code of Arbitration Procedure, the following forum fees are assessed:

1 hearing session @ \$25.00 per session

Pursuant to Section 43 (c) of the Code of Arbitration Procedure, the NASD shall retain the nonrefundable filing fee in the amount of \$25.00, and shall retain the hearing session deposit in the amount of \$25.00 previously paid by the claimant to the NASD.

Respondent Norstar Brokerage Corporation is liable for and shall pay to the Claimant, the Estate of Blanche Price Nuernberger, the sum of \$12.50 which constitutes one-half of the hearing session fees in this arbitration

Fees are payable to the National Association of Securities Dealers, Inc.

Dated:

January 31, 1992

/s/John E. Cloney
John E. Cloney
Presiding Chair
Public Arbitrator