

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Theodore J. Laski

v

91-01806

Thomas F. White & Co. Inc.  
Kong Go

REPRESENTATION

For Claimant: Irwin Stein, Esq.  
For Respondent: Patrick Baldwin, Esq.

CASE INFORMATION

Statement of Claim filed: June 11, 1991  
Claimant's Submission Agreement signed on: May 21, 1991

Statement of Answer filed by Respondent, Kong Go, on: September 31, 1991  
Statement of Answer and Counterclaim filed by Respondent, Thomas F. White & Co. Inc., on November 14, 1991  
Respondent, Kong Go's Submission Agreement signed on: September 10, 1991

HEARING INFORMATION

Pre-Hearing Conference : None  
Hearing Dates/Sessions: April 13, 1992 - One Session  
April 14, 1992 - Two Sessions  
April 15, 1992 - Two Sessions

Hearing Location: San Francisco, California

CASE SUMMARY

Claimant, Theodore Laski, (Laski) alleged that, over a five year period, Respondent, Kong Go, (Go) over-traded Laski's account made recommendations that were unsuitable and that Respondent, Thomas F. White & Co. Inc., (White), failed to adequately supervise Kong Go's activities, which included unauthorized trading.

Respondents, White and Go, deny each and every allegation of the claim and White counterclaims for attorney's fees and costs.

RELIEF REQUESTED

Claimant requested: compensatory damages of \$94,262.00, recovery costs of \$20,000.00, and punitive damages of \$94,262.00.

Respondents requested: Dismissal of the claim in its entirety plus costs and attorney's fees.

### OTHER ISSUES CONSIDERED AND DECIDED

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

Respondent Kong Go prepared a loan application for Claimant Laski and should have known from the financial information contained therein that options trading was unsuitable for Claimant. However, Claimant's failure to produce documents requested by Respondents and Claimant's lack of credible testimony precludes any recovery. After considering the pleadings, the testimony and the evidence presented at the hearing, the undersigned arbitrators have decided in full and final resolution of the issues submitted for determination as follows:

1. Each and every claim of Claimant, Theodore Laski, against Respondent, Thomas F. White & Co., Inc. is denied.
2. Each and every claim of Claimant, Theodore Laski, against Respondent Kong Go is denied.
3. Claimant's claim for punitive damages is denied.
4. The counterclaim of Thomas F. White & Co., Inc., against Theodore Laski, is dismissed.
5. The parties shall each bear their respective costs and fees.

### FORUM FEES

Pursuant to Section 43c of the Code of Arbitration Procedure, the following Forum Fees are assessed.

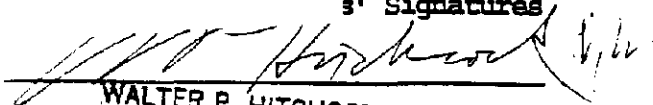
Forum fees Assessed Against: Respondents, Thomas F. White & Co. Inc. and Kong Go, jointly and severally in the sum of \$3,750.00, representing assessments for five hearing sessions at \$750.00 each.

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

ARBITRATION PANEL

Public/Industry  
Public Chairperson  
Public  
Industry

3' Signatures

  
\_\_\_\_\_  
WALTER P. HITCHCOCK  
\_\_\_\_\_  
\_\_\_\_\_

Date of Decision: \_\_\_\_\_

Served July 1, 1992