

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant(s)

Aubrey R. Martin and  
Sharon F. Martin

vs.

91-02036

Name of Respondent(s)

Dean Witter Reynolds, Inc.  
Prudential Securities, Inc. and  
Kenneth W. Mattson

REPRESENTATION

For Claimant: Andrew J. Ogilvie, Esq., 300 Montgomery Street, Suite 700, San Francisco, California 94104.

For Respondents: Wendy R. Robinson, Esq., Dean Witter Reynolds, Inc., (DWR) Deputy General Counsel, 101 California Street, San Francisco, California, 94111.

CASE INFORMATION

Statement of Claim filed: July 1, 1991

Claimants' Submission Agreements signed on: June 26, 1991

Joint Statement of Answer filed by Respondents DWR and Mattson on: August 27, 1991

Respondents' Submission Agreements signed on: August 27, 1991 for DWR and March 11, 1992 for Mattson.

HEARING INFORMATION

Prehearing Conference Date/Sessions: February 11, 1992 (1 session)

Hearing Date/Sessions: March 12, 1992 (two sessions)  
March 13, 1992 (two sessions)

Hearing Location: San Francisco, California

### CASE SUMMARY

Claimants alleged lack of suitability and authorization and misrepresentation in the purchase of DWR's High Income Advantage Trust II, MFS Intermediate Income Trust, DWR's Worldwide Income Trust, Cord Abbett Equity Fund, DWR's Government Securities Plus Fund and Krupp Insured Mortgage Limited Partnership Units.

Respondents DWR and Mattson denied all substantive allegations of the Statement of Claim.

Claimants' dispute with Respondent Prudential Securities, Inc. was settled prior to hearing, in accordance with claimants' letter of February 10, 1992.

### RELIEF REQUESTED

Claimant requested:

1. Compensatory damages, including punitive damages of \$100,000.00;
2. Interest;
3. Punitive damages (included in amount cited above of \$100,000.00; and
4. Costs, including filing fees and expert fees

### OTHER ISSUES CONSIDERED & 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 originals remain on file with the NASD.

### AWARD

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. Respondents DWR and Mattson are jointly and severally liable for and shall pay claimants:
  - a. Compensatory damages of \$10,197.00; and
  - b. Interest of \$1,116.00.
2. The claim for punitive damages is dismissed.
3. The parties shall each bear their respective costs including attorneys' fees.

### OTHER COSTS

None.

FORUM FEES

Pursuant to Section 43c of the Code of Arbitration Procedure, the following forum fees are assessed: The NASD shall retain the \$500.00 hearing session deposit previously deposited by the claimant. Forum Fees assessed against: DMR, only, for the sum of \$1,800.00 and calculated as follows: four hearing sessions times \$500 per hearing plus \$300 for the prehearing conference equals \$2,300.00 , minus \$500.00 hearing deposit already paid by claimants, for total of \$1,800.

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

ARBITRATION PANEL

Name

Public/Industry

Public Arbitrator

Public Arbitrator

Industry Arbitrator

Signature

DATE SERVED: 04/15/92

Lester Friedman  
Lester Friedman, Esq.

3/27/92

Date of Decision: 3/17/92