

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant(s)

George E. Toste

NASD Arbitration
No. 91-03761

Name of Respondent(s)

Dean Witter Reynolds, Inc.

John J. Gardner

Cecil Goodgame

REPRESENTATION

For Claimant: Mr. Anthony Englese, Esq.

For Respondents: Mr. David Studley, Esq. of Dean Witter Reynolds, Inc.

CASE INFORMATION

Statement of Claim filed: November 29, 1991

Claimant's Submission Agreement signed on: November 26, 1991

Statement of Answer filed by Respondents on: February 4, 1992

Respondent Dean Witter Reynolds' Submission Agreement signed on: February 4, 1992

Respondent John Gardner's Submission Agreement signed on: February 19, 1992

Respondent Cecil Goodgame's Submission Agreement signed on: February 19, 1992

HEARING INFORMATION

Pre-Hearing Conference: None.

Hearing Date(s)/Sessions: July 21, 1992 - Two sessions
 July 22, 1992 - Two sessions
 July 23, 1992 - One session

Hearing Location: San Francisco, California

CASE SUMMARY

Claimant alleged violation of Section 10(b) of the Securities Act of 1934 and Rule 10b-5 promulgated thereunder, California Corporations Code Sections 25400 and 25401, intentional misrepresentation, negligent misrepresentation and breach of fiduciary duty in the purchase of Ford Motor Company shares.

Respondents denied all substantive allegations of the Statement of Claim and alleged that claimant George Toste himself reactivated his own account, all trades were suitable, no excessive trading occurred and claimant ratified all trades.

RELIEF REQUESTED

Claimant requested:

1. Compensatory damages of at least \$100,000.00;
2. Interest;
3. Lost profits;
4. Punitive damages of not less than \$300,000.00;
5. Costs;
6. Attorneys' fees; and
7. Such further relief as the panel deems proper.

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 original(s) 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 Dean Witter Reynolds, Inc. and Goodgame only are liable for and shall pay claimant \$31,985.31 in compensatory damages;
2. All claims against Respondent Gardner are dismissed;
3. All other claims, including the claim for punitive damages, are dismissed; and
4. The parties shall each bear their respective costs including attorneys' fees.

FORUM FEES

Pursuant to Section 43c of the Code of Arbitration Procedure, the following Forum Fee(s) are assessed: The NASD shall retain the \$500.00 hearing session deposit previously deposited by the Claimant, which is to be reimbursed to Claimant by Respondents Dean Witter Reynolds, Inc. and Goodgame jointly and severally.

Forum fees assessed against Respondents Dean Witter Reynolds, Inc. and Goodgame jointly and severally, for \$2,000.00, calculated as follows: Five hearing sessions times \$500.00/hearing session equals \$2,500.00, minus \$500.00 to be reimbursed directly to Claimant as described above.

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

ARBITRATORS

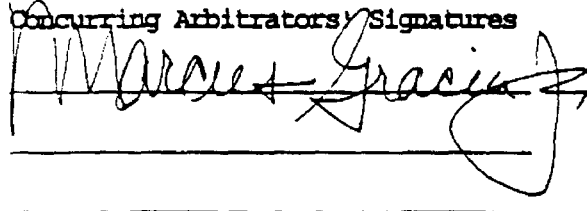
Name

Thomas W. Borden
Marcus Eugene Gracia, Jr.
Gloria J. Edmonson

Public/Industry

Industry
Public Chairperson
Public

Concurring Arbitrators' Signatures



DATE SERVED: 08/18/92

Date of Decision: _____