

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the matter of the Arbitration Between

Name of Claimant(s)

Suzanne Rossini

NASD Arbitration
No.92-00166

Name of Respondent(s)

Shearson Lehman Brothers
James Gordon

REPRESENTATION

For Claimant: Michael F. Brown, Esq., Schall, Boudreau
& Gore, San Diego, California

For Respondent: Michael C. Licosati, Esq., Keesal, Young & Logan, Long Beach, California

CASE INFORMATION

Statement of Claim filed: January 15, 1992

Claimant's Submission Agreement signed: January 3, 1992

Joint Statement of Answer filed: September 9, 1992

Respondents Submission Agreements signed:

Shearson Lehman Brothers:

James Gordon:

HEARING INFORMATION

Pre-hearing telephone conference date / sessions:

February 11, 1993 - 1 session

Hearing Dates / Sessions:

December 2, 1993 -	1 session
May 18, 1993 -	2 sessions
May 19, 1993 -	2 sessions

Hearing Location: San Diego, California

CASE SUMMARY

Claimant alleged Respondents recommended four limited partnership investments which were unsuitable for her financial status and objectives. Claimant also alleged misrepresentation, fraud, failure to supervise, breach of fiduciary duty, negligence, and intentional infliction of emotional distress.

Respondents denied Claimant's allegations of wrongdoing, and asserted that Claimant met the financial criteria outlined on the limited partnership subscription documents which Claimant signed, that Claimant received limited partnership prospectuses which prominently displayed risk warnings, that Claimant was also informed orally of the investments' losses that Respondents are not liable for any risks incurred by the limited partnership investments as any losses are the result of market forces outside the control of Respondents. Respondents asserted affirmative defenses of laches, statute of limitations, failure of the claim to state facts upon which Relief can be granted, that Claimant authorized and ratified all transactions, and that Claimant failed to mitigate damages.

DAMAGES REQUESTED

Claimant requested rescission of the limited partnership investments, compensatory damages of approximately \$46,000, plus interest, punitive damages of \$165,000, costs of arbitration and attorney's fees.

Respondents requested dismissal of all claims, and an award of costs of arbitration 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 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. All claims, including the claim for punitive damages, asserted by Claimant are dismissed in their entirety.
2. The parties shall each bear their respective costs, including attorney's fees.

FORUM FEES

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

4 sessions @ \$1,000 / session	=	\$4,000.00
Credit for deposit	=	\$1,000.00
Balance Due	=	\$3,000.00

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

ARBITRATORS

<u>Name</u>	<u>Public / Industry</u>
M. Jane Aiello	Public Chairperson
Marjorie B. Newsom	Public Panelist
Mitzi McMillin	Industry Panelist

Concurring Arbitrators' Signatures

Mr. J. and G. Wells

Date of Decision: 5-19-93

Date Served: 06/14/93

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. All claims, including the claim for punitive damages, asserted by Claimant are dismissed in their entirety.
2. The parties shall each bear their respective costs, including attorney's fees.

FORUM FEES

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

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<u>Credit for deposit</u>	=	<u>\$1,000.00</u>
Balance Due	=	\$3,000.00

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

ARBITRATORS

<u>Name</u>	<u>Public / Industry</u>
M. Jane Aiello	Public Chairperson
Marjorie B. Newsom	Public Panelist
Mitzi McMillin	Industry Panelist

Concurring Arbitrators' Signatures

Mitzi McMillin

Date of Decision: 6/4/93

Date Served: 06/14/93

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. All claims, including the claim for punitive damages, asserted by Claimant are dismissed in their entirety.
2. The parties shall each bear their respective costs, including attorney's fees.

FORUM FEES

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

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<u>Credit for deposit</u>	=	<u>\$1,000.00</u>
Balance Due	=	\$3,000.00

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

ARBITRATORS

<u>Name</u>	<u>Public / Industry</u>
M. Jane Aiello	Public Chairperson
Marjorie B. Newsom	Public Panelist
Mitzi McMillin	Industry Panelist

Concurring Arbitrators' Signatures

Marjorie B. Newsom

Date of Decision: 5-19-93

Date Served: 06/14/93