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N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant(s)

Elizabeth Kurfurst

Case No. 93-04621

Name of Respondent(s)

Smith Barney, Shearson, Lehman, Hutton and
Robert Thompson

REPRESENTATION

For Claimant, Elizabeth Kurfurst ("Kurfurst"): Michael W. Pursley, Arbitration Research Consultants, of Safety Harbor, Florida.

For Respondents, Smith Barney, Shearson, Lehman, Hutton and Robert Thompson: Ralph P. Schiavo, Esq. of Smith Barney Inc. New York, NY.

CASE INFORMATION

Statement of Claim filed: November 5, 1993. Claimant's Submission Agreement signed on: October 25, 1993.

Respondents' Joint Statement of Answer filed on January 7, 1994. Respondents' Submission Agreement signed on January 7, 1994.

HEARING INFORMATION

Pursuant to a request of the Claimant, a final in person hearing was not held because of her physical and mental health. Instead the Claimant requested that the arbitrator determines the matters in controversy based upon the papers. Therefore, the arbitrator has based his decision solely on the papers and without a hearing.

9411102

Page 2
NASD Award No. 93-04621

CASE SUMMARY

Claimant alleged that despite the conservative investment criteria which the Claimant gave to the Respondents, the Respondents recommended and sold her high risk limited partnerships (Jetstream Limited Partnership and Jetstream Limited Partnership II) which were patently unsuitable for the Claimant and which paid high commissions to the Respondents and its agents.

Respondents denied each and every substantive allegation of wrongdoing and specifically deny that Claimant suffered any losses and/or damages by reason of any wrongdoing by or attributed to Respondents.

Respondents alleged the affirmative defenses of statute of limitations, failure to state a claim, waiver, laches, failure to exercise due diligence, failure to act, and the Claim is barred under Section 15 of the NASD Code of Arbitration Procedures.

RELIEF REQUESTED

Claimant requested for actual damages in excess of \$8,750.00, for all costs expenses and disbursements, cost of filing fee paid to the NASD and all forum fees advanced, punitive damages and for such relief as the arbitrator deems just and proper.

Respondents requested that Claimant's Statement of Claim be dismissed in its entirety.

OTHER ISSUES CONSIDERED & DECIDED

The ruling by the Director of Arbitration on the Respondents's Section 15 Motion was affirmed by the arbitrator.

The parties have agreed that a handwritten, signed Award may be entered. In this case, the parties have agreed to receive a conformed copy of the Award while the original remains on file with the NASD.

AWARD

After considering the pleadings including any documentary submissions of the Claimant and Respondents, the undersigned arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

9411102

Page 3
NASD Award No. 93-04621

Respondents' Smith Barney Shearson Lehman Hutton and Robert Thompson are found not liable and, therefore, all claims against them are hereby dismissed.

Claimant's request for costs, expenses, and punitive damages is denied.

OTHER COSTS

The parties shall each bear all other costs and expenses incurred by them in connection with this proceeding.

FORUM FEES

Pursuant to Section 43(c) of the Code of Arbitration Procedure, the Arbitrator has assessed forum fees in the amount of \$225.00 (one pre hearing conference x \$150.00 plus one simplified session x \$75.00 per session).

Claimant is hereby assessed \$112.50 for which the NASD shall retain the \$200.00 previously deposited in full satisfaction thereof.

Respondents are hereby assessed \$112.50 jointly and severally. \$87.50 of which shall be paid directly to the Claimant and \$25.00 of which shall be paid to the National Association of Securities Dealers, Inc.

The NASD shall retain the non-refundable filing fee of \$75.00 paid by the Claimant.

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

Arbitrator's Signature

Name

Public/Industry


Sam A. Giunta

Date of Decision: November 22, 1994