

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the matter of the Arbitration Between

Name of Claimant

Igor Shochetman

NASD Arbitration
#93-04738

vs.

Name of Respondent

Kennedy, Cabot & Company

REPRESENTATION

For Claimant: Richard Harrington, Esq., Chandler, Wood, Harrington & Maffly,
San Francisco, California

For Respondent: George H. Kupper, Esq., Kennedy, Cabot & Co.,
Beverly Hills, California

CASE INFORMATION

Statement of Claim filed: November 9, 1993

Claimant's Submission Agreements signed: November 8, 1993

Statement of Answer filed: February 25, 1994

Respondent's Submission Agreement signed: March 7, 1994

HEARING INFORMATION

Hearing dates/sessions: July 28, 1994 - 2 sessions

Hearing location: San Francisco, California

CASE SUMMARY

Claimant alleged Respondent, on April 16, 1993, failed and refused to execute his order to sell short 8925 shares of Dime Savings Bank common stock, a portion of which was issuable to Claimant pursuant to a rights offering effective April 15, 1993.

Respondent denied Claimant placed such an order, and alternatively asserted that the San Francisco office of Respondent was not open for business on April 16, 1993, as it was moving from one office location to another. Respondent further asserted that Claimant was connected to Respondent's Beverly Hills office by phone so he could place an order, but that Claimant did not do so when told it was Respondent's policy not to permit short sales on rights offerings before the stock was issued.

RELIEF REQUESTED

Claimant requested damages of \$25,875 plus interest.

Respondent requested dismissal of all claims.

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 remains on file with the NASD.

AWARD

After considering the pleadings, the testimony and the evidence presented at the hearing, the undersigned arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondent is liable for and shall pay to Claimant the amount of \$20,639.06 plus interest at the rate of 5% from May 10, 1993 to date of award. This sum is calculated for a short sale of 8925 shares costing 9.25 and covered at 6.9375.
2. The parties shall each bear their respective costs including attorneys fees.

FORUM FEE

Pursuant to Section 43(c) of the Code of Arbitration Procedure, the NASD shall retain the \$100 non-refundable filing fee paid by Claimant, as well as the \$300 hearing session deposit which is assessed as forum fees for 1 session.

Respondent is assessed \$300 as forum fees for 1 session.

Fees are payable to the NASD, Inc.

ARBITRATORS

<u>Name</u>	<u>Public / Industry</u>
Allan Blau	Public

Concurring Arbitrator Signature


Allan Blau

Date Served 08/30/94

Date of Decision: 8/26/94