

STIPULATED AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Hamilton Investments, Inc.

NATIONAL ASSOCIATION
OF SECURITIES DEALERS, INC.
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ARBITRATION CHICAGO

94-01072

Name of Respondents

David S. Grosky and
Jody G. Grosky

Representation of Parties

Claimant Hamilton Investments, Inc. ("Claimant") was represented by Michael B. Elman, Esq. of Hamilton Investments, Inc., Chicago, Illinois.

Respondents David S. Grosky and Jody G. Grosky ("Respondents") were represented David S. Grosky, Esq., Chicago, Illinois.

Case Information

Statement of Claim was filed on March 21, 1994. Claimant's Submission Agreement was signed on February 28, 1994.

Joint Statement of Answer was filed on or about May 16, 1994.

Hearing Information

The hearing was scheduled to be heard in Chicago, Illinois on March 9, 1995. However, prior to the hearing the parties chose to enter into a Consent Agreement as set forth herein. No hearing was held on the merits.

Case Summary

Claimant alleged in their Statement of Claim that Respondents David S. Grosky and Jody G. Grosky have a margin account with Hamilton which has a debit balance of \$3,477.76. Hamilton further alleges that on August 23, 1993 the parties entered into a Settlement Agreement which was breached by the Respondents. Hamilton asserts that Respondents are liable for the debit balance, plus interest as required by the terms of the Settlement Agreement entered into by Respondents.

Respondents stated in their Answer that they are not liable to Hamilton because the debit balance incurred in their account was caused due to the fault of Hamilton.

Relief Requested

Claimant requested compensatory damages of \$3,477.76 plus interest at the rate of nine percent (9%) per annum from December 31, 1993, attorney's fees, expenses and costs.

Stipulated Award

The undersigned arbitrator has not made any findings of fact or conclusions of law. The arbitrator acknowledges that the parties have entered into the following voluntary agreement without the arbitrator's assistance:

1. Respondents David S. Grosky and Jody G. Grosky shall be liable for, and shall pay to Claimant, Hamilton Investments, Inc., the sum of Three Thousand Four Hundred Seventy-Seven Dollars and Seventy-Six Cents (\$3,477.76);
2. Respondents David S. Grosky and Jody G. Grosky shall be liable for and shall pay to Claimant, Hamilton Investments, inc., interest at the rate of nine percent (9%) per annum on the debit balance due and owing from January 1, 1994 until such debit is paid in full; said interest through the date of this Stipulated Award amounts to \$371.48; and
3. Respondents David S. Grosky and Jody G. Grosky shall reimburse Claimant Hamilton the sum of \$1,000.00 for its costs previously deposited with the NASD.

Forum Fees

Pursuant to Section 43(c) of the NASD Code of Arbitration Procedure, the following represents the forum fees:

Pursuant to Section 43(c) of the Code of Arbitration, the NASD shall retain the nonrefundable filing fee in the amount of \$500, and shall retain the hearing session deposit in the amount of \$300 and the member surcharge in the amount of \$200 previously paid to the NASD by the Claimant.

No additional forum fees are due.

In Acknowledgment:

Dated:

3/30/95



Peter Ordower, Esq.
Presiding, Public Arbitrator