

**AWARD**

**NASD REGULATION, INC.,  
OFFICE OF DISPUTE RESOLUTION**

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In the matter of the Arbitration Between

Name of Claimant

Gregory J. Wolfe

v.

NASD Regulation, Inc.  
Arbitration No. 96-02193

Name of Respondents

Securities Planners, Inc. nka  
Buttonwood Securities Inc.,  
David Grey and Michael R. Marcus

**REPRESENTATION**

For Claimant:

Torgny R. Nilsson, Esq.  
Gartenberg, Jaffe,  
Gelfand & Stein  
Los Angeles, California

For Respondent Securities Planners, Inc.  
nka Buttonwood Securities, Inc.:

No appearance

For Respondent David Grey:

No appearance

For Respondent Michael R. Marcus:

Vincent M. Lentini, Esq.  
Doros & Brescia, P.C.  
New York, New York

### **CASE INFORMATION**

Statement of Claim filed: May 20, 1996

Claimant's Submission Agreement signed: May 14, 1996

Statement of Answer filed by  
Respondent Michael R. Marcus: June 10, 1996

Respondent Michael R. Marcus'  
Submission Agreement signed: June 12, 1996

### **HEARING INFORMATION**

Pre-Hearing Conference Date / Session: December 19, 1996 (1 Session)  
March 12, 1997 (1 Session)  
March 13, 1997 (1 Session)

Hearing Dates / Sessions: April 29, 1997 (2 Sessions)

Hearing Location: Los Angeles, California

### **CASE SUMMARY**

Claimant alleged that Respondents made intentional misrepresentations and omissions regarding securities which Claimant purchased from Respondents. Claimant also alleged that Respondents were negligent in making representations of fact to Claimant. Further, Claimant alleged that Respondents failed to supervise the conduct of their brokers. Claimant also alleged that Respondents breached their fiduciary duties owed to the Claimant.

Respondent Michael R. Marcus denied each and every allegation of wrongdoing set forth in Claimant's Statement of Claim.

### **RELIEF REQUESTED**

Claimant requested general damages of \$30,687.25 plus 10% interest. Claimant also requested punitive damages, costs, and attorney's fees.

Respondent Michael R. Marcus requested that the Claimant's claim be dismissed.

### OTHER ISSUES CONSIDERED AND DECIDED

The parties have agreed that the Award in this matter may be executed in either 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 Regulation, Inc. Office of Dispute Resolution.

### 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 of the Claimant's claims against Respondent Michael R. Marcus are denied in their entirety.
- 2) Respondent Securities Planners, Inc. nka Buttonwood Securities, Inc. is liable to and shall pay Claimant the sum of \$16,250.00 plus interest at 10% from October 2, 1995 until judgment paid.
- 3) Respondent David Grey is dismissed without prejudice.
- 4) The parties shall each bear their respective costs, including attorney's fees.

### FORUM FEES

Pursuant to Rule 10332(c) of the Code of Arbitration Procedure, the following forum fees are assessed:

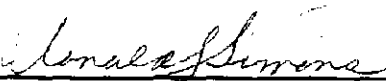
3 Full Panel Pre-Hearing Conference @ \$400.00/Session	= \$1,200.00
<u>2 Hearing Sessions @ \$400.00/Session</u>	<u>= \$800.00</u>
Total Fees Assessed:	= \$2,000.00
 Claimant's one-half share	 = \$1,000.00
<u>Credit for hearing session deposit</u>	<u>= \$ 400.00</u>
Claimant's Balance Due	= \$ 600.00
 <u>Respondents' joint and several one-half share</u>	 <u>= \$1,000.00</u>
Respondents' joint and several Balance Due	= \$1,000.00

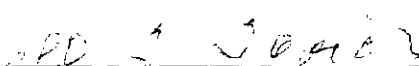
Fees are payable to NASD Regulation, Inc.

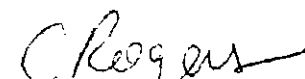
**ARBITRATORS**

<u>Name</u> .....	<u>Public / Industry</u>
Donald S. Simons, Esq.	Public
Leo B. Babich	Public
Christopher J. Rogers	Industry

**Concurring Arbitrators' Signatures**

  
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Donald S. Simons, Esq.

  
\_\_\_\_\_  
Leo B. Babich

  
\_\_\_\_\_  
Christopher J. Rogers

Date of Decision: 4-30-97

Date of Service: \_\_\_\_\_