

9/11/2008

**AWARD**

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

In the matter of the Arbitration Between

**Name of Claimants**

Manuel and Peggy Orozco

v.

Arbitration No.  
96-04802

**Name of Respondents**

Smith Barney, Inc. and  
Todd J. Pilosi

---

**REPRESENTATION**

For Claimants:

Scott R. Shewan, Esq.  
Born, Pape & Shewan L.L.P.  
Clovis, California

For Respondent:

Christopher B. O'Malley  
Smith Barney General Counsel  
New York, New York

**CASE INFORMATION**

Statement of Claim filed: October 29, 1996

Claimants' Submission Agreement signed: October 18, 1996

Statement of Answer filed by Respondents: December 19, 1996

**HEARING INFORMATION**

Pre-Hearing Conference Dates / Sessions: April 11, 1997 (1 Session)

Hearing Dates / Sessions: October 20, 1997 (2 Sessions)

Hearing Location: Los Angeles, California

**CASE SUMMARY**

Claimants alleged that Respondents failed to immediately execute Claimants' order to sell 70,000 shares of Comparator Systems, Inc. stock.

Respondents denied Claimants' claims in their entirety and alleged that any loss which occurred was due to a limit order placed by Claimants and the effect of market conditions beyond the control of Respondents.

**RELIEF REQUESTED**

Claimants sought compensatory damages in the amount of \$48,750.00 plus interest at the legal rate commencing from May 7, 1996.

Respondents sought dismissal of Claimants' Statement of Claim.

**OTHER ISSUES CONSIDERED AND DECIDED**

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

Shawn F. P.  
Shawn F. P.  
Shawn F. P.  
**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:

Respondents Smith Barney, Inc. and Todd Piloni, jointly and severally, are liable to and shall pay Claimants compensatory damages in the amount of \$48,750.00 and interest in the amount of \$7,052.05.

**FORUM FEES**

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

One Pre-Hearing Conference Session @ \$400.00/Session	=	\$400.00
Two Hearing Sessions @ \$400.00/Session	=	\$800.00
Total Fees Assessed Against Respondents (jointly and severally)	=	\$1,200.00

Claimants' Hearing Session Deposit in the amount of \$400.00 shall be refunded by NASD Regulation, Inc.


Fees are payable to NASD Regulation, Inc.

9/1/08

## ARBITRATORS

Name .....	Public / Industry
J. Jean Elliott, Esq.	Public Arbitrator
Leo B. Rotter	Industry Arbitrator
William I. Berks	Public Arbitrator

### Concurring Arbitrators' Signatures

  
\_\_\_\_\_  
J. Jean Elliott, Esq.

\_\_\_\_\_  
Leo B. Rotter

\_\_\_\_\_  
William I. Berks

Date of Service: 2 December 1997

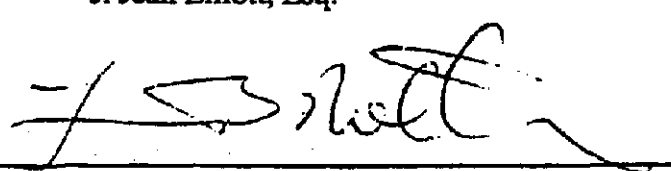
9-11-00

**ARBITRATORS**

<u>Name</u> .....	<u>Public / Industry</u>
J. Jean Elliott, Esq.	Public Arbitrator
Leo B. Rotter	Industry Arbitrator
William I. Berks	Public Arbitrator

**Concurring Arbitrators' Signatures**

\_\_\_\_\_  
J. Jean Elliott, Esq.

  
\_\_\_\_\_  
Leo B. Rotter

\_\_\_\_\_  
William I. Berks

Date of Service: 2 December 1997

9/11/08

**ARBITRATORS**

<u>Name</u> .....	<u>Public / Industry</u>
J. Jean Elliott, Esq.	Public Arbitrator
Leo B. Rotter	Industry Arbitrator
William I. Berks	Public Arbitrator

**Concurring Arbitrators' Signatures**

\_\_\_\_\_  
J. Jean Elliott, Esq.

\_\_\_\_\_  
Leo B. Rotter

William I. Berks  
\_\_\_\_\_  
William I. Berks

Date of Service: 2 December 1997