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N.A.S.D. STIPULATED AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

James Fusco, Jr.

96-05251

Names of Respondents

William Blair & Company, LLC, and,
Kelly T. Goalby

REPRESENTATION

For Claimant: Stephen Murphy, Esq. of the law firm of Pino & Dicks, Longwood, Florida.

For Respondents: Lisa Aidlin, Esq. of the law firm of Sonnenschein Nath & Rosenthal, Chicago, Illinois.

CASE INFORMATION

Statement of Claim filed: November 26, 1996.

Claimant's Submission Agreement signed on: June 10, 1996.

Joint Statement of Answer filed by Respondents on: February 11, 1997.

Respondents' Submission Agreements signed on: February 10, 1997.

HEARING INFORMATION

One pre-hearing conference was conducted with the arbitration panel on March 31, 1997.

CASE SUMMARY

Claimant submitted a Statement of Claim wherein he alleged that he had limited investment experience and limited financial resources and that certain securities recommended to him by Mr. Goalby, a securities broker with William Blair & Company were unsuitable. The Claimant asserted claims for violation of the Florida Securities and Investor Protection Act, negligence, breach of fiduciary duty, fraud, and negligent failure to supervise and claimed damages of approximately \$30,000.00.

Respondents filed a Statement of Answer denying all of the material allegations of the Statement of Claim and asserting numerous defenses. Respondents alleged that Claimant had misrepresented his financial condition and investment experience to them at the time he opened his account and had made threats against Respondents' personnel. Respondents further asserted that many of the securities Claimant had invested in had been purchased against Respondents' advice and that Claimant had failed to follow

Respondents' advice in several other respects. Respondents alleged that they terminated their relationship with Claimant after receiving the threats he had made.

RELIEF REQUESTED

Claimant requested compensatory damages in the sum of approximately \$30,000.00; pre and post award interest; the cost of arbitration; attorneys' fees; and, such other relief as the arbitrators deemed appropriate.

Respondents requested that the Claimant's claims be denied in their entirety and that Respondents be awarded their costs and attorneys' fees. Respondents further requested that all references to this arbitration proceeding be expunged from the CRD record of Respondent Goalby.

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(s) remain on file with NASD Regulation, Inc.

AWARD

After considering the pleadings, and the Joint Motion to Dismiss and for Expungement Order, the undersigned arbitrators have decided in full and final resolution of the issues submitted for determination as follows:

1. All claims by the Claimant against the Respondents be and hereby are dismissed with prejudice.
2. All references to this arbitration proceeding shall be expunged from the CRD record of Respondent Goalby.

FORUM FEES

Pursuant to Rule 10332 of the Code of Arbitration Procedure, NASD Regulation, Inc. shall retain the claim filing fee and hearing session deposit previously paid by the Claimant.

Concurring Arbitrators' Signatures
Name

Public/Industry

_____/s/_____
Janice C. Buchman, Esq.

Public

_____/s/_____
Nicholas John Taldone, Esq.

Public

_____/s/_____
Samuel M. Niden

Industry

Date of Decision: November 18, 1997