

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between

Names of Claimants

Gwendolyn Hardy Williams Revocable Trust
Oliver Williams Family Trust
Atlas Family Partnership d/b/a Investment Company

Case No. 99-01225

Names of Respondents

McLaughlin, Piven, Vogel Securities, Inc.
James Kennedy

REPRESENTATION OF PARTIES

For Gwendolyn Hardy Williams Revocable Trust, Oliver Williams Family Trust and Atlas Family Partnership d/b/a Investment Company, hereinafter referred to as "Claimants": Lee A. Spinks, Esq. and Cynthia V. McNeely, Esq. of the law firm of Poyner and Spruill, L.L.P., Charlotte, North Carolina.

For McLaughlin, Piven, Vogel Securities, Inc. ("MPV"): Lawrence R. Goldberg, Esq. of the law firm of Goldberg, Katz & Stansen, P.C., St. Louis, Missouri.

For Respondent James Kennedy ("Kennedy"): Lawrence R. Goldberg, Esq. of the law firm of Goldberg, Katz & Stansen, P.C., St. Louis, Missouri. On November 16, 1999, Lawrence R. Goldberg withdrew as counsel for Respondent Kennedy. Thereafter, Respondent Kennedy was represented by Joseph D'Elia, Esq. of the law firm of Joseph D'Elia, Huntington, New York.

CASE INFORMATION

Statement of Claim filed on or about: March 16, 1999.

Claimant Gwendolyn Hardy Williams Revocable Trust, by its Trustee, Stephen C. Hardy, signed Uniform Submission Agreements on: March 9, 1999 and April 20, 1999.

Claimant Oliver Williams Family Trust, by its Trustee, Stephen C. Hardy, signed Uniform Submission Agreements on: March 9, 1999 and April 20, 1999.

Atlas Family Partnership d/b/a Investment Company, by its authorized agent, Stephen C. Hardy, signed the Uniform Submission Agreement on: March 9, 1999.

Statement of Answer filed by Respondents MPV and Kennedy on or about: June 28, 1999.

Respondents MPV and Kennedy signed Uniform Submission Agreements on: May 27, 1999.

CASE SUMMARY

Claimants asserted causes of action for Respondents' unauthorized purchase of twenty-five (25) mutual funds in their accounts and for Respondents' failure to comply with the instructions of Dr. Stephen C. Hardy to sell shares of stock in CompuServe.

Unless specifically admitted in their Answer, Respondents MPV and Kennedy denied the allegations made in the Statement of Claim and asserted the following defenses: 1) Dr. Hardy was a sophisticated investor and exercised complete control over the accounts at issue; 2) Dr. Hardy selected the mutual funds at issue and instructed Respondent Kennedy to purchase said mutual funds; 3) Dr. Hardy was advised of all relevant matters associated with the purchase of the mutual funds; and 4) Dr. Hardy determined to purchase shares of stock of CompuServe and instructed Respondent Kennedy to purchase said shares.

RELIEF REQUESTED

Claimants requested compensatory damages in the amounts of \$75,000.00 for the unauthorized purchase and \$13,000.00 for Respondents' failure to comply with customer instructions, costs and such other relief the Panel deemed just and proper.

Respondents requested dismissal with prejudice of the Statement of Claim, costs, attorneys' fees, and such other relief the Panel deemed just and proper.

OTHER ISSUES CONSIDERED AND 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.

AWARD

After considering the pleadings, the testimony and evidence presented at the hearing, and the post-hearing submissions (if any), the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. All claims asserted in this arbitration are hereby dismissed with prejudice.
2. Each party is to pay their own respective costs, including attorneys' fees.
3. All other requests for relief not specifically addressed herein are denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution, Inc. will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee = \$150.00

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. In this matter, the member firm is a party.

Member surcharge = \$1,000.00

Pre-hearing process fee = \$ 600.00

Hearing process fee = \$1,500.00

Adjournment Fees

Adjournments requested during these proceedings:

January 19 and 20, 2000, adjournment by Respondent Kennedy = \$500.00

Forum Fees and Assessments

The Panel assesses forum fees for each hearing session conducted. A hearing session is any meeting between the parties and the arbitrator(s), including a pre-hearing conference with the arbitrator(s), that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with Panel x \$500.00 = \$500.00

Pre-hearing conference: October 22, 1999 1 session

Six (6) Hearing sessions x \$500.00 = \$3,000.00

Hearing Dates: March 9, 2000 2 sessions

March 10, 2000 2 sessions

July 17, 2000 2 sessions

Total Forum Fees = \$3,500.00

The Panel has assessed \$1,750.00 of the forum fees jointly and severally to Claimants.

The Panel has assessed \$875.00 of the forum fees to Respondent MPV.

The Panel has assessed \$875.00 of the forum fees to Respondent Kennedy.

Administrative Costs

Administrative costs are expenses incurred due to a request by a party for special services including, but not limited to, additional copies of arbitrator awards beyond those provided without charge, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

No administrative costs were incurred during these proceedings.

Fee Summary

Claimants be and hereby are jointly and severally liable for:

Initial Filing Fee	= \$ 150.00
Forum Fees	= \$1,750.00
Total Fees	= \$1,900.00
<u>Less payments</u>	<u>= \$ 650.00</u>
Balance Due NASD Dispute Resolution, Inc.	= \$1,250.00

Respondent MPV be and hereby is solely liable for:

Member Fees	= \$3,100.00
Forum Fees	= \$ 875.00
Total Fees	= \$3,975.00
<u>Less payments</u>	<u>= \$3,100.00</u>
Balance Due NASD Dispute Resolution, Inc.	= \$875.00

Respondent Kennedy be and hereby is solely liable for:

Adjournment Fee	= \$ 500.00
Forum Fees	= \$ 875.00
Total Fees	= \$1,375.00
<u>Less payments</u>	<u>= \$ 500.00</u>
Balance Due NASD Dispute Resolution, Inc.	= \$875.00

All balances are due and payable to NASD Dispute Resolution, Inc.

Concurring Arbitrators' Signatures

_____/s/
William H. Malloy, Jr., Esq.
Public Arbitrator, Presiding Chair

Signature Date

_____/s/
James E. Brucki, Jr.
Industry Arbitrator

Signature Date

_____/s/
Dennis W. Good
Public Arbitrator

Signature Date

August 10, 2000

Date of Service (For NASD-DR office use only)

Fee Summary

Claimants be and hereby are jointly and severally liable for:

Initial Filing Fee	= \$ 150.00
Forum Fees	= \$1,750.00
Total Fees	= \$1,900.00
<u>Less payments</u>	<u>= \$ 650.00</u>
Balance Due NASD Dispute Resolution, Inc.	= \$1,250.00

Respondent MPV be and hereby is solely liable for:

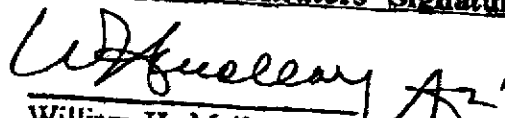
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Concurring Arbitrators' Signatures


William H. Malloy, Jr., Esq.
Public Arbitrator, Presiding Chair

August 4, 2000
Signature Date

James E. Brucki, Jr.
Industry Arbitrator

Signature Date

Dennis W. Good
Public Arbitrator

Signature Date

Date of Service (For NASD-DR office use only)

Fee Summary

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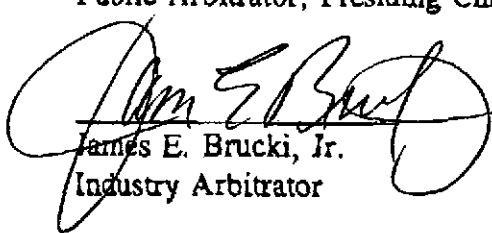
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Concurring Arbitrators' Signatures

William H. Malloy, Jr., Esq.
Public Arbitrator, Presiding Chair

Signature Date


James E. Brucki, Jr.
Industry Arbitrator

8/7/2000
Signature Date

Dennis W. Good
Public Arbitrator

Signature Date_____
Date of Service (For NASD-DR office use only)

Fee Summary

Claimants be and hereby are jointly and severally liable for:

Initial Filing Fee	= \$ 150.00
Forum Fees	= \$1,750.00
Total Fees	= \$1,900.00
<u>Less payments</u>	<u>= \$ 650.00</u>
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Respondent MPV be and hereby is solely liable for:

Member Fees	= \$3,100.00
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William H. Malloy, Jr., Esq.
Public Arbitrator, Presiding Chair

Signature Date

James E. Brucki, Jr.
Industry Arbitrator

Signature Date



Dennis W. Good
Public Arbitrator

8-7-00

Signature Date

Date of Service (For NASD-DR office use only)