

**NASD DISPUTE RESOLUTION AWARD**  
**NASD DISPUTE RESOLUTION, INC.**

CASE: 99-04434

San Diego Diagnostic Radiology Medical Group Retirement Trust, claimant vs. Drake & Co., Inc., PaineWebber Inc. & Correspondent Service Corporation, respondents.

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**ATTORNEYS:**

Claimant San Diego Diagnostic R.M.G. Retirement Trust appeared through its trustee California Bank and Trust f/b/o David Katzman, La Jolla, CA.

For Respondent Drake & Company, Inc. appeared in-house counsel, Dudley Muth, Esq., Hallandale, FL.

For Respondents PaineWebber Incorporated and Correspondence Service Corp. appeared in-house counsel, Sandra D. Grannum, Esq., Weehawken, NJ.

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DATE FILED: September 27, 1999

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**CASE SUMMARY:** Claimant alleged that respondent Drake & Co., Inc. failed to notify him in a timely manner of a class action settlement against Regal Communications Corporation. The failure to notify resulted in loss of opportunity to participate in the settlement. Claimant further alleged that respondents Painewebber and Correspondent Services Corporation were negligent in failing to provide him with the Notice of Settlement.

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**Claim Data**

Claim: \$10,000.00  
Interest: unspecified

Filing Fees: unspecified

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**Award Data**

Award: \$9,987.88  
Interest: at legal rate  
prevailing in the state  
of California from  
June 1, 1997 to date  
of award  
Filing Fees: \$162.50

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**AWARD:** The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) Respondent, Drake & Co., Inc. is liable and shall pay to the claimant \$9,987.88. 2) Claims against respondents Painewebber, Inc. and Correspondent Services Corporation are dismissed in their entirety. 3) Respondent, Drake & Co., Inc. is liable and shall pay to claimant interest at the legal rate prevailing in the state of California from June 1, 1997 to date of award. 4) All other relief requests are denied. 5) The \$325.00 filing fee previously deposited with NASD Dispute Resolution, Inc. by the claimant, shall be retained by NASD Dispute Resolution, Inc. 6) Respondent Drake & Co., Inc. is liable and shall pay claimant \$162.50 as reimbursement of half of the filing fee.

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OTHER FEES: Pursuant to Rule 10333 of the Code, respondents have each paid to NASD Dispute Resolution, Inc. the \$300.00 Member Surcharge previously invoiced.

OTHER ISSUES: The arbitrator has denied respondents' Painewebber, Inc. and Correspondent Services Corporation Motion to Dismiss.

**AFFIRMATION**

I, Albert Blandin, do hereby affirm, upon my oath as arbitrator that I am the individual described herein who executed this instrument, which is my oath and award.

  
Albert Blandin

October 31, 2000  
Date of award

Concurring Arbitrators' Signatures

/s/ William B. Ross

July 24, 2002

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William B. Ross  
Public Arbitrator, Presiding Chair

\_\_\_\_\_  
Signature Date

/s/ Don Muyskens

July 24, 2002

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Don Muyskens, Esq.  
Public Arbitrator

\_\_\_\_\_  
Signature Date

/s/ Jeffrey S. Fannon

July 24, 2002

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Jeffrey S. Fannon  
Non-Public Arbitrator

\_\_\_\_\_  
Signature Date

August 05, 2002

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Date of Service (For NASD-Dispute Resolution office use only)

Concurring Arbitrators' Signatures

William B. Ross

William B. Ross  
Public Arbitrator, Presiding Chair

7/24/2002

Signature Date

Don Muyskens, Esq.  
Public Arbitrator

Signature Date

Jeffrey S. Pannon  
Non-Public Arbitrator

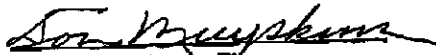
Signature Date

Date of Service (For NASD-Dispute Resolution office use only)

Concurring Arbitrators' Signatures

\_\_\_\_\_  
William B. Ross  
Public Arbitrator, Presiding Chair

\_\_\_\_\_  
Signature Date

  
Don Muyskens, Esq.  
Public Arbitrator

July 24, 2002  
\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Jeffrey S. Fannon  
Non-Public Arbitrator

\_\_\_\_\_  
Signature Date

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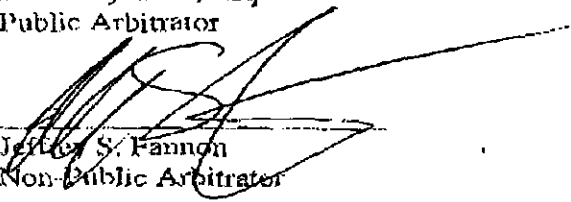
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Public Arbitrator, Presiding Chair

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Signature Date

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Don Muyskens, Esq.  
Public Arbitrator

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Signature Date

  
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Jeffrey S. Fannon  
Non-Public Arbitrator

7-24-02  
\_\_\_\_\_  
Signature Date

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Date of Service (For NASD-Dispute Resolution office use only)