

J.A.

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between

Walter Mykietiuch

Claimant

vs.

Case #87-01966

Philips, Appel & Walden, Inc. and
Peter Capriotti

Respondents

Case Summary

Claimant Walter Mykietiuch alleged Respondents, Philips, Appel & Walden, Inc. and Peter Capriotti churned Claimant's account using it to generate commissions and entered the Claimants into transactions that were unsuitable for them. Claimant further alleged Respondents employed devices and schemes to defraud the Claimant and breached fiduciary duties owed to the Claimant. Respondent Philips, Appel & Walden, Inc. denied the allegations in the Statement of Claim. Respondent Peter Capriotti alleged Claimant understood the risks involved with all investments he made and authorized all trades made in his account.

Relief Requested

Claimant Walter Mykietuch requested damages of \$100,000.00. Respondent Peter Capriotti requested dismissal of claim and that the costs be assessed against the Claimant. Respondent Philips, Appel & Walden, Inc. issued a general denial to the Statement of Claim.

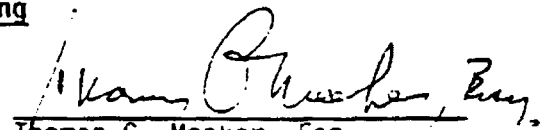
Award

On July 18, 1989 said date representing two hearing sessions the undersigned arbitrators heard the controversy between the parties at the offices of the National Association of Securities Dealers, Inc. located in Philadelphia, PA as set forth in submissions to arbitration signed by Claimant Walter Mykietiuch on January 16, 1987 and by Respondent Philips Appel & Walden, Inc. and Peter Capriotti on December 7, 1987. The Statement of Claim was filed with the National Association of Securities Dealers, Inc. on December 15, 1986.

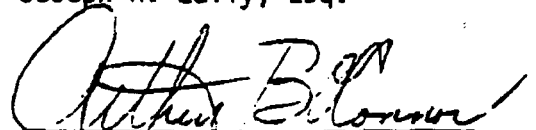
The arbitration panel, having considered the pleadings, the testimony, and the evidence presented at the hearing, has determined in full and final resolution of the issues submitted for determination as follows:

1. Prior to the commencement of the first session the arbitration panel was informed that the Claimant Walter Mykietiuich had withdrawn his claim against the Respondent Peter Capriotti and accordingly the arbitrators did not consider any claims between these parties;
2. The Respondent Philips Appel & Walden, Inc. be and hereby is liable and shall pay to the Claimant Walter Mykietiuich the sum of Twelve Thousand Dollars and No Cents (\$12,000.00).
3. The parties shall each bear their respective costs including attorneys' fees.
4. Pursuant to Section 43 of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall retain the \$500.00 filing fee previously deposited by the Claimant.

Arbitrators Concurring


Thomas G. Meeker, Esq.


Joseph R. Lally, Esq.


Arthur B. O'Conner

DATED: August 18th, 1989