

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

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In the Matter of the Arbitration Between

Joseph Camardese

Claimant

vs.

Merrill Lynch Pierce Fenner & Smith, Inc.

John Argonish

Respondents

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)  
) Case #88-00985  
) Award  
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)  
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CASE SUMMARY

Claimant alleges Respondents made unauthorized transactions of call options in General Motors Corp. and Genentech stock. Respondents maintain transactions were done with Claimants authorization and knowledge of the speculative nature involving call options.

RELIEF REQUESTED

Claimant requests damages of \$26,151.78 plus interest; a refund of the NASD filing fee, attorneys fees and other costs. Respondent Merrill Lynch Pierce Fenner & Smith, Inc. request dismissal of the claim, assert a cross claim against Respondent John Argonish for indemnification and request costs of the proceeding be assessed against the Claimant. Respondent John Argonish request dismissal of the claim and assert a counterclaim against Claimant for sums of money that have been previously paid to Claimant prior to this arbitration proceeding.

AWARD

On April 14, and May 22, 1989, the undersigned arbitrators heard the controversy in New York, New York between the parties as set forth in submissions to arbitration signed by Claimant on February 1, 1988, and by Respondent Merrill Lynch Pierce Fenner & Smith, Inc. on June 15 1988 and Respondent John Argonish on June 28, 1988. The initial claim was filed on March 25, 1988. 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. Respondent John Argonish is hereby liable and shall pay to the Claimant the sum of Twenty Six Thousand One Hundred Fifty-One Dollars and Seventy Eight Cents (\$26,151.78) no interest to be awarded.
2. The claim of the Claimant against Respondent Merrill Lynch Pierce Fenner & Smith, Inc. is hereby dismissed in its entirety.

3. The cross claim of Respondent Merrill Lynch Pierce Fenner & Smith, Inc. against Respondent John Argonish is hereby dismissed in its entirety.
4. The countclaim of Respondent John Argonish against the Claimant is hereby dismissed in its entirety.
5. The parties shall each bear their respective costs including attorneys' fees.
6. Pursuant to Section 43 of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall retain the \$400.00 filing fee previously deposited by the Claimant. In addition, Claimant is hereby assessed \$1,333.33 and Respondent John Argonish is hereby assessed \$666.67 payable to the NASD, Inc. as costs for forum fees for the two sessions held on April 14, 1989 and the three sessions held on May 22, 1989.

ARBITRATORS CONCURRING

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Norris Wolff

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Richard Weber

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Steven Petrie