

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

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In the Matter of Arbitration Between

Eric Mitkus

Claimant

CASE #88-01290
AWARD

vs.

Bear, Stearns & Co., Inc.
Loren Ben

Respondents

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CASE SUMMARY

Claimant, Eric Mitkus, alleges in his four-count Statement of Claim that Respondents Bear, Stearns & Co., Inc. and Loren Ben violated Section 10b of the Securities Exchange Act and Rule 10b-5, promulgated thereunder, by recommending that Claimant enter into a margin agreement that was unsuitable based upon his experience and financial means. Claimant also alleges that they were negligent, breached their fiduciary duty to him and breached their contract. As a result of Respondent's actions, Claimant further alleges that he sustained a loss.

Respondents deny the allegations of wrongdoing and assert seven affirmative defenses.

RELIEF REQUESTED

Claimant requests that the panel award him \$74,043.00 and attorney's fees. Respondents request that the panel dismiss the claim in its entirety and award them attorney's fees, filing and all other expenses.

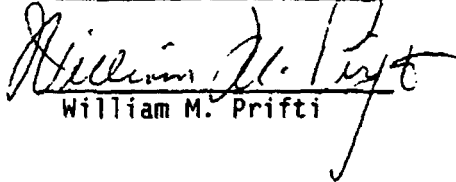
AWARD

On April 18, 1990 the undersigned arbitrators heard the controversy between the parties as set forth in submissions to arbitration signed by Claimant, Eric Mitkus on April 12, 1988 and by Respondents, Bear, Stearns & Co., Inc. and Loren Ben on June 27, 1988 and June 14, 1988, respectively. The hearing was conducted in Boston Massachusetts, and consisted of one session. 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. All claims asserted by Claimant against Respondents are hereby dismissed in their entirety.
2. The parties shall each bear their respective costs including attorneys' fees.

3. Pursuant to Section 43 of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall refund the \$500.00 filing fee previously deposited by the Claimant.
4. Pursuant to Section 43 of the Code of Arbitration Procedure, Respondent Bear, Stearns & Co., Inc. is hereby assessed \$500.00 in forum costs.

ARBITRATOR CONCURRING



William M. Prifti

Dated: May 9, 1990

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3. Pursuant to Section 43 of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall refund the \$500.00 filing fee previously deposited by the Claimant.
4. Pursuant to Section 43 of the Code of Arbitration Procedure, Respondent Bear, Stearns & Co., Inc. is hereby assessed \$500.00 in forum costs.

ARBITRATOR CONCURRING


Richard D. Jordan

Dated: May 9, 1990

3. Pursuant to Section 43 of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall refund the \$500.00 filing fee previously deposited by the Claimant.
4. Pursuant to Section 43 of the Code of Arbitration Procedure, Respondent Bear, Stearns & Co., Inc. is hereby assessed \$500.00 in forum costs.

ARBITRATOR CONCURRING


Peter J. Dale

Dated: May 9, 1990