

MAY 29 1990

NATIONAL ASSOCIATION OF SECURITIES DEALERS

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In the Matter of the Arbitration Between :  
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Leslie G. Carter : AWARD  
:   
Claimants : #88-01553  
vs. :   
:   
Shearson/American Express, Inc. :   
Samuel Manno :   
Respondents :   
:   
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Case Summary

Claimant Leslie G. Carter alleged that Respondents Shearson/American Express, Inc. and Samuel Manno traded unsuitable speculative securities in Claimant's account in high frequency and without the authorization of the Claimant. Respondents Shearson/American Express, Inc. and Samuel Manno maintained that the Claimant's claim was barred by Section 15 of the Code of Arbitration Procedure, the statutes of limitation of the Commodities Exchange Act and denied liability to the Claimant.

Relief Requested

Claimant requested damages of \$545,000.00, plus interest, costs and attorney fees. Respondents requested that the claim of the Claimant be dismissed in its entirety and that Respondents be awarded costs.

Award

On September 7, 1989 and April 20, 1990 in New York City in four hearing sessions, the undersigned arbitrators heard the controversy between the parties as set forth in submissions to arbitration signed by Claimant Leslie G. Carter on March 22, 1988, by Respondent Shearson/American Express, Inc. on December 22, 1988 and by Respondent Samuel Manno on December 28, 1988. The initial claim was filed on May 9, 1988. The arbitrators, 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 Shearson/American Express, Inc. is liable and shall pay to the Claimant Leslie G. Carter the sum of Twenty Three Thousand Four Hundred Twenty Two Dollars and Fifty Two Cents (\$23,422.52), plus interest at a rate of 9% from March 22, 1988 until the date this award is paid in full.
2. The claims of the Claimant against Samuel Manno be and hereby are dismissed in their entirety.
3. The Motion to Dismiss of Respondents Shearson/American Express, Inc. and Samuel Manno be and hereby is dismissed.
4. The parties shall each bear their respective costs including attorney fees.
5. Pursuant to Section 43 of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall retain the \$1,000.00 filing fee previously deposited by the Claimant. Forum fees in the amount of \$3,000.00 are hereby assessed against Respondent Shearson/American Express, Inc. made payable to the NASD, Inc. as costs of the four hearing sessions conducted in this matter.

CONCURRING ARBITRATORS

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Arnold L. Goren

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Melvin Steuerman

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Jack Friedman