

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between)	
)	
HENRY ATTEN,)	
)	
Claimant,)	
)	Case #88-01783
vs.)	Award
)	
MERRILL LYNCH, PIERCE, FENNER & SMITH,)	
INC., ROBERT A. SAUER and MARTIN H.)	
FELDMAN,)	
)	
Respondents.)	
)	

Heard before the members of the Arbitration Panel:

Joseph L. Bernstein, Esq.
 Harry Polansky
 Anthony S. Paetro

On May 10, 1989, the arbitrators heard the controversy between the parties as set forth in submissions to arbitration signed by Claimant on May 26, 1988, and by Respondents, Merrill Lynch, Pierce, Fenner & Smith, Inc. ("Merrill") on July 29, 1988; Robert C. Sauer ("Sauer") on August 4, 1988; and by Martin Feldman ("Feldman") on August 4, 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. The parties have agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered. In either case, the parties have agreed to receive conformed copies of the Award while the original(s) remain on file with the NASD, Inc.
2. Respondents, Feldman and Sauer, shall not be and are hereby not liable to the Claimant and, therefore, all claims against them shall be and hereby are dismissed.
3. Respondent, Merrill, shall be and hereby is liable and shall pay to the Claimant the amount of Thirteen Thousand Five Hundred Forty Seven and 00/100 (\$13,547.00) Dollars.
4. Pursuant to Section 43 of the Code of Arbitration Procedure, the Claimant shall be and hereby is assessed forum fees in the amount of \$500.00, and the Respondent shall be and hereby is assessed forum fees in the amount of \$500.00 payable to the National Association of Securities Dealers, Inc. The \$500.00 filing fee previously deposited by Claimant shall be retained by the NASD, Inc. in full satisfaction of the fees assessed against the Claimant.

Dated: May 12, 1989