

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of Arbitration Among

Michael and Dolores Della Vecchia	:	
	:	
Claimants	:	
	:	
vs.	:	Case #88-02081
	:	
	:	AWARD
Merton Mitchell and	:	
Shearson Lehman Brothers, Inc.	:	
	:	
Respondents	:	
	:	
	:	

Case Summary

In the Statement of Claim received by the National Association of Securities Dealers, Inc. on June 28th, 1988 Claimants, Michael and Dolores Della Vecchia alleged that the Respondent, Merton Mitchell entered them into excessive transactions that were unsuitable for them and designed to generate commissions for Respondents, Merton Mitchell and Shearson Lehman Brothers, Inc. Claimants further alleged that the Respondents failed to follow instructions given to them by the Claimants, made fraudulent misstatements and breached the fiduciary duty owed the Claimants. Respondents, Merton Mitchell and Shearson Lehman Brothers, Inc. maintain that all transactions were discussed and authorized by the Claimants before they were made, all of Claimants instructions were followed and no fraudulent misstatements or omissions were ever made to the Claimants.

Relief Requested

Claimants, Michael and Dolores Della Vecchia requested damages of \$280,829.00 plus interest. Respondents, Merton Mitchell and Shearson Lehman Brothers, Inc. requested dismissal of claim.

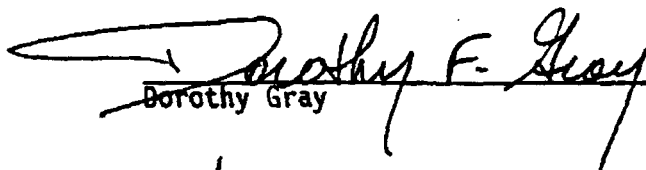
Award

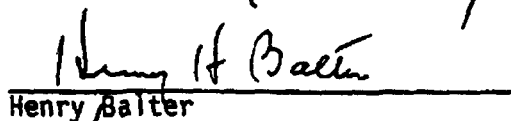
On April 12th, 1989, June 29th, 1989 and August 22, 1989 said dates representing seven hearing sessions the undersigned arbitrators heard the controversy between the parties at the offices of the National Association of Securities Dealers, Inc. located in New York, NY as set forth in submissions to arbitration signed by Claimants, Michael and Dolores Della Vecchia on June 13th, 1988 and by Respondents, Merton Mitchell and Shearson Lehman Brothers, Inc. on April 12, 1989.

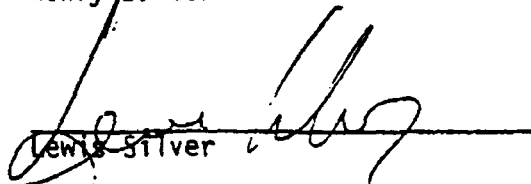
The arbitration panel, having considered the pleadings, the testimony, and the evidence presented at the hearing, has determined in full and final resolution of the issues for determination as follows:

1. The Respondents, Merton Mitchell and Shearson Lehman Brothers, Inc. be and hereby are liable jointly and severally and shall pay to the Claimants, Michael and Dolores Della Vecchia the sum of Twenty One Thousand Three Hundred Eighty Dollars and No Cents (\$21,380.00).
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 retain the \$750.00 filing fee previously deposited by the Claimants. In addition, Claimants, Michael and Dolores Della Vecchia be and hereby are liable and shall pay to the National Association of Securities Dealers, Inc. the sum of One Thousand Eight Hundred Seventy Five Dollars and No Cents (\$1,875.00) to represent forum fees and the Respondent, Shearson Lehman Brothers, Inc. be and hereby is liable and shall pay to the National Association of Securities Dealers, Inc. the sum of Two Thousand Six Hundred Twenty Five Dollars and No Cents (\$2,625.00) to represent forum fees.

Arbitrators Concurring

  
Dorothy Gray

  
Henry Balter

  
Lewis Silver

DATED: August 28th, 1989