

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between

Carlo DiBello

Claimant

vs.

W.T. Cabe & Co., Inc.
Bertram Aber

Respondents

}
}
} Case #88-02310
} Award
}
}

CASE SUMMARY

Claimant alleges Respondents failed to execute his sell orders for 200 shares of General Electric Co. and 100 shares of Digital Equipment Corp. Respondents maintain the sell orders were placed with Morgan, Olmstead, Kennedy and Gardner, Inc. and the failure to execute was the responsibility of Morgan, Olmstead, Kennedy and Gardner, Inc.

RELIEF REQUESTED

Claimant requests damages of \$31,129.38 which represents actual damages, interest, miscellaneous costs and arbitration fees. Respondents request dismissal of claim.

AWARD

On June 26, 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 Carlo DiBello on July 13, 1988, and by Respondents W.T. Cabe & Co., Inc. and Bertram Aber on September 20, 1988. The initial claim was filed on July 19, 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:

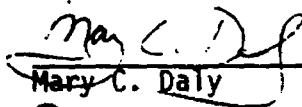
1. Respondents are hereby jointly and severally liable and shall pay to the Claimant the sum of Six Thousand Nine Hundred Twenty Four Dollars and No Cents (\$6,924.00) plus 9% interest beginning on October 15, 1987 until payment is satisfied in full.
2. Claimant shall retain all rights and ownership of the 200 shares of General Electric, Co. and 100 shares of Digital Equipment Corp.
3. The parties shall each bear their respective costs including attorneys' fees.

DATED: July 14, 1989

4. Pursuant to Section 43 of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall refund the \$400.00 filing fee previously deposited by the Claimant. Respondents are hereby assessed jointly and severally \$800.00 as costs for the two hearing session held on this matter payable to the NASD, Inc.

ARBITRATORS CONCURRING


W. Charles Robinson


Mary C. Daly


Jonathan Frede