

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between

SHIRLEY M. AND JAMES F. KOPET

Claimant(s)

and

MERRILL LYNCH, PIERCE, FENNER &  
SMITH, INC.

Respondent(s)

CASE NO. 88-02687

CASE SUMMARY

Shirley M. Kopet and James F. Kopet ("Claimants") alleged that Merrill Lynch, Pierce, Fenner & Smith, Inc. ("Respondent") failed to properly execute their limit order for the purchase of 1,000 shares of Lee Data Corp. at 11 1/4 on August 6, 1984.

Respondent denied the claim and further alleged that 1) the claim was barred by the statute of limitations and 2) the Kopets' order for Lee Data Corp. was a market order.

RELIEF REQUESTED

Claimants' requested damages in the amount of \$897.00, plus interest, and \$4,000 in punitive damages. Respondents requested that the Claimants' claim be dismissed and assess the costs of the proceedings against the claimants.

AWARD

On August 23, 1988, the NASD received the claimant statement of claim. On October 5, 1989 the undersigned heard the controversy between the parties as set forth in submissions to arbitration signed on August 16, 1988 by Claimants, on May 30, 1989 by J. David Montague on behalf of Respondent Merrill Lynch, Pierce, Fenner & Smith, Inc. The hearing was held in one session in Minneapolis, Minnesota.

Having considered the pleadings, the testimony, and the evidence presented at the hearing, has decided in full and final resolution of the issues submitted for determination as follows:

1. The Arbitrator awards damages in the amount of Eight Hundred and Seventy-Five Dollars (\$875.00) to the Claimants Shirley M. and James F. Kopet against the Respondent Merrill Lynch, Pierce, Fenner & Smith, Inc.

2. The parties shall bear their own costs including attorneys' fees;

3. Pursuant to Section 43(b) of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall retain as forum fees, the \$15.00 filing fee previously deposited with the NASD by the Claimant.

Presiding Arbitrator

Dated: 10-5-89 /S/ Richard A. Mosman, Esq.

Date Served: 10-9-89