

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In The Matter of The Arbitration Between

John Filip

Claimants

Award

vs.

Jack Wayfield and
Shearson Lehman Hutton

Respondents

NASD # 88-03006

SUMMARY OF ISSUESThis case was filed on September 26, 1988.

Claimant alleged that Respondents placed him in
unsubstantiated investments, and that Respondents sold him
Westerbonds as a triple A rated bond, when in
fact they were not, and that Respondents did not
follow Claimant's instructions. Respondents alleged
that when Claimant opened his account with
Respondents he stated that his investment objectives
were appreciation with safety and appreciation with
cash, that Respondents made no representation to
Claimant that the Westerbonds had a AAA rating,
that at all times Claimant's account was handled
properly and professionally, and that Claimant's account
showed a profit until Claimant instructed Respondents
to liquidate the account. Respondents asserted two
affirmative defenses.

DAMAGES AND RELIEF REQUESTED

Claimant requested an amount of \$5,000.
 Respondents requested that the Statement of Claim
 be dismissed and that Respondents be awarded costs
 and attorney fees incurred in this matter.

DAMAGES AND RELIEF AWARDED

On August 22, 1989, in Seattle, Washington,
 the undersigned arbitrator~~s~~ heard the controversy in one sessions;
 between the parties as set forth in submissions to arbitration signed
 by Claimant(s) in September 1, 1988, by Respondent
Theresa Schmitt Huth on November 25, 1988
 and by Respondent(s) ~~the~~ Huths in the presence of the
arbitrator on August 22, 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 submitted for determination as follows:

1. Respondents are liable for and shall owe
to Claimant the sum of five thousand dollars
(\$5,000). Said liability is joint and several.

That as a condition to payment of said award by mes
Respondents,

Provided ~~that~~ Claimant shall assign to
Respondents his interest in all claims
relating to his purchase of Medtec Bonds
through Shewson Leonard Hutton, including
but not limited to his claim in any
class action proceeding.

2. The parties shall each bear their respective costs including attorneys' fees.

3. Pursuant to Section 43 of the National Association of Securities Dealers, Inc. (NASD) Code of Arbitration Procedure, the NASD shall retain/
~~refund~~ the \$ 100 filing fee previously deposited by the Claimant.

910321C

OTHER ISSUES

ARBITRATORS CONCURRING

DATE SERVED: 8/31/89

Michael R. Scott
Michael R. Scott

ARBITRATORS DISSENTING
