

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

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In the Matter of the Arbitration Between :  
: Estate of E. Peerce Lake, William Lewis Lake :  
and Lynda Lee Nugent, Co-Executors : AWARD  
: Claimants : CASE #88-03448  
: vs. :  
: Shearson Lehman Hutton, Inc. :  
Respondent :  
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CASE SUMMARY

Claimant Estate of E. Peerce Lake, William Lewis Lake and Lynda Lee Nugent Co-Executors, alleged Respondent failed to timely place Claimant's securities with transfer agents and failed to timely execute Claimant's sell orders. Claimant further alleged Respondent breached the fiduciary duty owed to the Claimant. Respondent Shearson Lehman Hutton, Inc. maintained that all securities were delivered to the appropriate transfer agents in a timely fashion and losses in Claimant's account were caused by the operation of market forces. Respondent further maintained that it acted in a professional and ethical manner at all times.

RELIEF REQUESTED

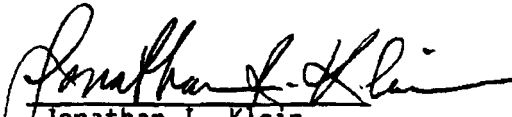
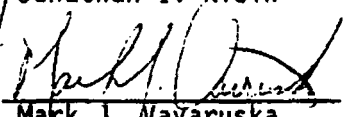
Claimant requested damages of \$56,805.88 plus attorneys' fees and Claimant's forum costs. Respondent requested dismissal of claim plus costs and attorneys' fees.

AWARD

On August 30, 1989 said date representing two(2) hearing sessions the undersigned arbitrators heard the controversy between the parties at the offices of Devlin and Devlin located in Rocky River, Ohio as set forth in submissions to arbitration signed by Claimants, Estate of E. Peerce Lake by its Co-Executors William Lewis Lake on August 18, 1988 and Lynda Lee Nugent on August 23, 1988 and by Respondent, Shearson Lehman Hutton, Inc. on January 30, 1989. The Statement of Claim was filed with the National Association of Securities Dealers, Inc. on November 7, 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 Respondent Shearson Lehman Hutton be and hereby is liable and shall pay to the Claimant Estate of E. Peerce Lake, William Lewis Lake and Lynda Lee Nugent, Co-Executors the sum of Twenty One Thousand Five Hundred Thirty Three Dollars and Six Cents(\$21,533.06).
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 \$500.00 filing fee previously deposited by the Claimant. In addition the Respondent Shearson Lehman Hutton be and hereby is liable and shall pay to the National Association of Securities Dealers, Inc. the sum of Five Hundred Dollars(\$500.00) to represent forum fees.

CONCURRING ARBITRATORS

  
Jonathan I. Klein  
  
Mark J. Nавaruska

The Chairman, Robert C. Devlin, Esq. respectfully dissents from the above award.

DATED: September 19th, 1989

  
Robert C. Devlin