

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Howard J. Adolph

Claimant(s)

vs.

Smith Barney, Harris  
Upham & Co., Inc.

Respondent(s)

NOTICE OF ARBITRATION

AWARD

88-03580

CASE SUMMARY

Claimant(s) Howard J. Adolph alleged that Respondent(s) Smith Barney, Harris Upham & Co., Inc. failed to cancel an open order to purchase stock. Respondent(s) maintain that Claimant did not inform Respondent to cancel the order.

RELIEF REQUESTED

Claimant(s) Howard J. Adolph requested damages of One Thousand Seven Hundred Dollars and No Cents (\$1,700.00). Respondent(s) requested dismissal of claim and costs.

AWARD

Pursuant to Section 13 of the NASD, Inc. Code of Arbitration Procedure ("Simplified Arbitration") a single arbitrator, Perry E. Wallace, Esq., was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant(s) on December 20, 1988 and by Respondent(s) on May 1, 1989. The Arbitrator, having considered the proofs of the parties, has determined in full and final resolution of the issue submitted for determination as follows:

That the claim of the Claimant shall be and hereby is dismissed.

The parties shall each bear their respective costs including attorney's fees.

The \$25.00 filing fee previously deposited with the NASD, Inc. by the Claimant(s) will be retained by the NASD as costs of this proceeding.

August 21, 1989

CONCURRING ARBITRATORS

\_\_\_\_\_  
Julien F. Begien

*Philip M. Giordano*  
Philip M. Giordano

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James E. Fox

*I have personally appeared PHILIP M. GIORDANO  
before me this 6<sup>TH</sup> day of April, 1990 and  
acknowledge the foregoing to be his free act and  
deed.*

*Donald P. Ricklefs*  
NOTARY PUBLIC

DONALD P. RICKLEFS  
My Commission Expires March 28, 1991