

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Robert Gustav and
Letty J. Gustav

Claimant(s)

vs.

Merrill Lynch, Pierce,
Fenner & Smith, Inc.

Respondent(s)

NOTICE OF
ARBITRATION
AWARD
88-03594

THIS NOTICE OF ARBITRATION AWARD SUPERCEDES THE NOTICE OF
ARBITRATION AWARD DATED FEBRUARY 16, 1990

CASE SUMMARY

Claimant(s) Robert Gustav and Letty J. Gustav alleged that Respondent(s) Merrill Lynch, Pierce, Fenner & Smith, Inc. made misrepresentations and omissions. Respondent denies any and all allegations of wrongdoing or liability.

RELIEF REQUESTED

Claimant(s) Robert Gustav and Letty J. Gustav requested damages of Ten Thousand Dollars and No Cents (\$10,000.00). 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, Roneé C. McLaughlin, 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 July 27, 1989 and by Respondent(s) on December 7, 1989, respectively;

And, that the Arbitrator, having considered the proofs of the Parties, including any additional documentary submissions of the Claimant(s) and the Respondents(s) has decided and determined in full and final resolution of the issue submitted for determination as follows:

That the Respondent is liable and will pay to the Claimants the sum of Ten Thousand Dollars and No Cents (\$10,000.00), plus all attorney's fees incurred in connection with this matter.

The parties shall each bear their respective costs.

Notice of Arbitration Award
Case No. 88-03594
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The \$200.00 filing fee previously deposited with the NASD, Inc. by the Claimant(s) will be refunded to the Claimants by the Respondent.

February 16, 1990

87-5574

Note: Fill out only those sections which apply to this particular case: Case Number 88-03594

- 1) Case Dismissed _____
- 2) Find for the Claimant
(a) total amount of the award: \$ 10,000 ^{see} below
(b) if two or more respondents are liable: yes _____ no _____
 (1) joint and severally liable:
 (2) if respondents separately liable list party and the amounts:

- 3) Counterclaim of Respondent
(a) total amount of award: \$ _____
(b) party to receive award: _____
(c) counterclaim dismissed: _____
- 4) Punitive Damages
(a) total amount \$ _____
(b) name parties against whom damages are to be assessed and in what amounts: _____

- (c) claim dismissed: _____
- 5) NASD Fee
(a) assessed against Claimant _____
(b) assessed against Respondent
- 6) Use this space to expand or clarify any part of the decision above or to indicate other forms of specific relief.

plus all attorney's fees incurred in connection with this matter.

Affirmation

STATE OF Massachusetts

} SS: 567.37.0201
}

COUNTY OF Middlesex

I, Ronée C. McLaughlin

, do hereby affirm upon my oath as arbitrator that I am the individual described in and who executed this instrument, which is my oath and award.

2/8/90

(DATE)

Ronée C. McLaughlin

(SIGNATURE OF ARBITRATOR)