
In the Matter of the Arbitration Between :
 :
Douglas Schlaeppi :
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 : Claimant :
 :
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vs. :
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Merrill Lynch, Pierce, Fenner & Smith, Inc. :
Paul Anderson :
Douglas Eayrs :
 :
 : Respondent :

CASE SUMMARY

Douglas Schlaeppi, in a claim filed with the National Association of Securities Dealers, Inc. on December 13, 1988, alleged that Respondents did not execute a stop loss order of ten percent (10%) on Entex Energy Development, Ltd. stock. Claimant asserts that representative Douglas Eayrs was notified of the stop loss order by a hand delivered letter on November 22, 1985 and by several oral confirmations of same.

Respondents maintained that Mr. Sayrs never received a stop loss order from Claimant and that Claimant should have been aware that such order had not been filled when he received his monthly statement and saw that the price had fallen below the purported stop loss. Therefore, Respondents stated that Claimant failed to mitigate his damages.

RELIEF REQUESTED

Claimant requests actual damages of Twenty Thousand Seven Hundred Dollars and No Cents (\$20,700.00) minus Six Thousand Five Hundred Dollars and No Cents (\$6,500.00) received, interest of Three Thousand Six Hundred Twenty-Four Dollars and Fifty Cents (\$3,624.50), punitive damages of Twelve Thousand Dollars and No Cents (\$12,000.00) and Four Hundred Sixty Dollars and No Cents (\$460.00) for costs of filing this arbitration.

Respondents request all claims to be dismissed in their entirety.

AWARD

Pursuant to the agreement of all parties to this arbitration, a single Public Arbitrator, Douglas D. McFarland, Esq., was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on December 8, 1988 and by the Respondents on March 31, 1989, February 14, 1989 and May 18, 1989, respectively;

And, that the Arbitrator, having considered the proof of the Parties, has decided and determined in full and final resolution of the issues submitted for determination as follows:

1. The Claim of Douglas Schlaeppli be and hereby is dismissed in its entirety.
2. The parties shall bear their respective costs including attorney's fees.
3. The Four Hundred Dollars and No Cents (\$400.00) filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant shall be retained by the NASD, Inc.

AFFIRMATION

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


Douglas D. McFarland, Esq.

DATED: 1/14/91