

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Dennis L. Barton

Claimant(s)

vs.

Merrill Lynch, Pierce,
Fenner & Smith, Inc.

Respondent(s)

NOTICE OF ARBITRATION

AWARD

89-00212

CASE SUMMARY

Claimant(s) Dennis L. Barton alleged that Respondent(s) Merrill Lynch, Pierce, Fenner & Smith, Inc. did not determine whether Claimant was suitable as an investor of Respondent's recommended investments and failed to disclose material facts about the prospective investment. Respondent(s) denies Claimant's allegations.

RELIEF REQUESTED

Claimant(s) Dennis L. Barton 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, William Zysk, 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 January 12, 1989 and by Respondent(s) on March 27, 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:

The claim against Respondent shall be dismissed in its entirety.

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

The \$200.00 filing fee previously deposited with the NASD, Inc. by the Claimant(s) shall be retained by the NASD as costs of this proceeding.

August 18, 1989