

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Harry Bienenfeld

vs.

Claimant(s)

Fitzgerald, Talman, Inc.
and Jerry Fitzgerald

Respondent(s)

NOTICE OF ARBITRATION

AWARD

89-00263

CASE SUMMARY

Claimant(s) Harry Bienenfeld alleged that Respondent(s) Fitzgerald, Talman, Inc. and Jerry Fitzgerald failed to execute a securities transaction as requested in Claimant's account held with Respondent. Respondent(s) deny all allegations.

RELIEF REQUESTED

Claimant(s) Harry Bienenfeld 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, 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 January 25, 1989 and by Respondent(s) on April 10, 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 Respondents shall be jointly and severally liable to the Claimant for the total amount of Ten Thousand Dollars and No Cents (\$10,000.00).

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 22, 1989