

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Gary and Rita DeWerff

Claimant(s)

vs.

Merrill Lynch, Pierce, Fenner  
& Smith, Inc.

Respondent(s)

NOTICE OF ARBITRATION  
AWARD  
89-00867

CASE SUMMARY

Claimants Gary and Rita DeWerff alleged that Respondent Merrill Lynch, Pierce, Fenner & Smith, Inc. did not execute Claimant order on a timely basis. Respondent denies allegations.

RELIEF REQUESTED

Claimants Gary and Rita DeWerff requested damages of Two Thousand, One Hundred, Forty dollars and No Cents (\$2,140.00). Respondents requested dismissal of claim and costs.

AWARD

Pursuant to Section 13 of the NASD, Inc. Code of Arbitration Procedure ("Simplified Arbitration") a single arbitrator, Charles E. Jones, was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimants on May 16, 1989 and by Respondent on June 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 \$25.00 filing fee previously deposited with the NASD, Inc. by the Claimant shall be retained by the NASD as costs of this proceeding.

September 20, 1989