

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

IN THE MATTER OF THE ARBITRATION BETWEEN :	
Tony Mays :	
Claimant :	Case #89-00915
VS. :	AWARD
Merrill Lynch, Pierce, Fenner & Smith, Inc. :	
Tommy Davis :	
Respondents :	

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on March 27, 1989, Claimant Tony Mays alleged on or before October 22, 1987 he specifically requested that a stop-loss order of \$2 or \$3 be placed on all stocks in his account which the Respondents failed to do. Claimant further alleged the Respondents traded a number of stocks in his account too frequently and sold stock to meet margin calls without first providing the Claimant with the opportunity to cover the margin call. Respondents Merrill Lynch, Pierce, Fenner & Smith, Inc. and Tommy Davis maintained the Claimant never instructed the Respondent Tommy Davis to place a stop-loss order on any trade or on his trades generally and further maintained that each transaction was discussed with and authorized by the Claimant prior to its execution and the Claimant was constantly aware of the market conditions, the trend in the stock positions he held and the status of his account. The Respondents further maintained the Claimant was promptly notified of margin calls in his account and was given every opportunity to cover those margin calls.

RELIEF REQUESTED

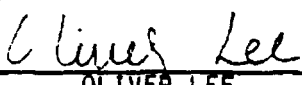
Claimant requested damages of \$242,000.00 plus interest, penalties and costs. Respondents requested dismissal of claim.


AWARD

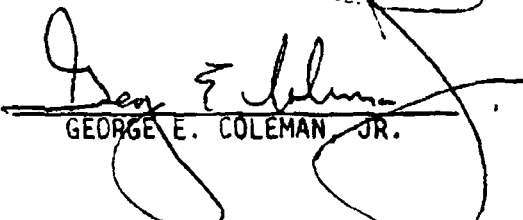
On April 10th, 1990, the undersigned arbitrators heard the controversy between the parties as set forth in submissions to arbitration signed by Claimant, Tony Mays on March 20, 1989, and by Respondent Merrill Lynch, Pierce, Fenner & Smith, Inc. on June 22, 1989 and by Respondent Tommy Davis on June 28, 1989. The hearing was conducted at the offices of the National Association of Securities Dealers, Inc. located in Atlanta, Georgia and consisted of three (3) hearing sessions. The arbitration panel, having considered the pleadings, the testimony, and the evidence presented at the hearing, has determined in full and final resolution of the issues submitted for determination as follows:

1. The claims by the Claimant Tony Mays be and hereby are dismissed in all respects.
2. The parties shall each bear their respective costs, including attorney's fees.
3. Pursuant to Section 43 of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall retain the \$750.00 filing fee previously deposited by the Claimant and the Respondents Merrill Lynch, Pierce, Fenner & Smith, Inc. and Tommy Davis be and hereby are liable jointly and severally and shall pay to the Claimant the sum of \$750.00 to offset the filing fee. In addition, the Respondent Merrill Lynch, Pierce, Fenner & Smith, Inc. and Tommy Davis be and hereby are liable jointly and severally and shall pay to the National Association of Securities Dealers, Inc. the sum of \$1,500.00 as forum fees.

CONCURRING ARBITRATORS


OLIVER LEE


HARTWELL D. HOOPER


GEORGE E. COLEMAN, JR.

DATED: July 27, 1990