

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

IN THE MATTER OF THE ARBITRATION BETWEEN :
 :
Vasilios Myrianthopoulos :
 :
 : Claimant : Case #89-01257
 :
vs. : AWARD
 :
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 :
Merrill Lynch, Pierce, Fenner & Smith :
(Hellas) L.L.C., Merrill Lynch, Pierce, :
Fenner & Smith, Inc. :
 :
 : Respondents :

CASE SUMMARY

Claimant Vasilios Myrianthopoulos alleged the Respondents Merrill Lynch, Pierce, Fenner & Smith (Hellas) L.L.C. and Merrill Lynch, Pierce, Fenner & Smith, Inc. wrongfully liquidated positions in his account to meet a margin maintenance call before providing the Claimant with an opportunity to transfer funds to meet the call, thereby causing the Claimant to sustain losses. The Claimant also alleged that subsequent to this liquidation, he bought back certain securities, but was then informed by the Respondents that these new positions would be liquidated and that the Respondents would absorb all losses and commissions incurred in these transactions. However, the Claimant alleged these losses and commissions were wrongfully passed on to him.

The Respondents contended that the first liquidation was a result of the Claimant's failure to voluntarily liquidate, failure to transfer funds to meet the call, and pursuant to the Respondents' absolute right to liquidate under the terms of the Customer Agreement. The Respondents contended the second liquidation was a result of the Claimant's failure to fully meet the first maintenance call, and his refusal to sign a Mutual Fund Redemption Form.

RELIEF REQUESTED

Claimant Vasilios Myrianthopoulos requested actual damages of \$50,887.52, plus 9% interest. Respondents Merrill Lynch, Pierce, Fenner & Smith (Hellas) L.L.C. and Merrill Lynch, Pierce, Fenner & Smith, Inc. requested dismissal of the Statement of Claim in its entirety, plus costs.

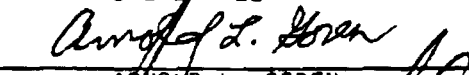
AWARD

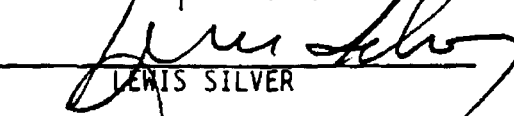
On March 13 and 14, 1990, the undersigned arbitrators heard the controversy between the parties as set forth in submissions to arbitration signed by Claimant Vasilios Myrianthopoulos on April 19, 1989, and by Respondent Merrill Lynch, Pierce, Fenner & Smith (Hellas) L.L.C. on July 5, 1989 and by Respondent Merrill Lynch, Pierce, Fenner & Smith, Inc. on July 5, 1989. The hearing was conducted at the offices of the National Association of Securities Dealers, Inc. in New York City, New York and consisted of four (4) 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 Respondents Merrill Lynch, Pierce, Fenner & Smith (Hellas) L.L.C. and Merrill Lynch, Pierce, Fenner & Smith, Inc. be and hereby are jointly and severally liable and shall pay to the Claimant Vasilios Myrianthopoulos the sum of Twelve Thousand Seven Hundred Ninety Nine Dollars and No Cents (\$12,799.00), plus 9% interest from October 21, 1987 until satisfaction of this award.
2. All other claims against Respondents Merrill Lynch, Pierce, Fenner & Smith (Hellas) L.L.C. and Merrill Lynch, Pierce, Fenner & Smith, Inc. be and hereby are dismissed in their entirety.
3. The parties shall each bear their respective costs including attorney's fees.
4. 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 Claimant be and hereby is liable and shall pay to the National Association of Securities Dealers, Inc. the sum of Seven Hundred Fifty Dollars and No Cents (\$750.00) and the Respondents Merrill Lynch, Pierce, Fenner & Smith (Hellas) L.L.C. and Merrill Lynch, Pierce, Fenner & Smith, Inc. be and hereby are jointly and severally liable and shall pay to the National Association of Securities Dealers, Inc. the sum of One Thousand Five Hundred Dollars and No Cents (\$1,500.00), as costs of the four (4) hearing sessions conducted in this matter.

CONCURRING ARBITRATORS


STEVE THREL


ARNOLD L. GOREN


LEWIS SILVER

DATED: April 9th, 1990