

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between	)	
Jeffrey A. Gordon	)	Claimant
vs.	)	
Bear Stearns & Company	)	Respondent
	)	AWARD
	)	CASE NO. 89-01592

SUMMARY OF ISSUES

Claimant alleged Respondent improperly cancelled and re-billed his order to sell shares of Dart Group Corporation two days after settlement, creating an unsecured debit balance in his account. Claimant alleged Respondent acted maliciously and in bad faith.

Respondent denied the allegations, and responded that Claimant's losses were caused by the October 1987 market crash. Respondent asserted that the corrected confirmation slip reflected the actual trade as it had occurred in the wildly fluctuating market of October 21, 1987, and that Claimant, as an employee of Bear Stearns was in a unique position to determine immediately what price he had received for his shares, and in fact, did so.

DAMAGES AND RELIEF REQUESTED

Claimant requested damages of \$24,000.00 plus attorney's fees and costs of arbitration.

Respondent requested dismissal of the claims and an award of costs of arbitration.

DAMAGES AND RELIEF AWARDED

This claim was filed with the NASD on May 31, 1989. On October 5, 1990, the undersigned arbitrator heard the controversy between the parties, as set forth in submissions to arbitration signed by Claimant on May 26, 1989, and by an authorized representative of Bear Stearns on September 6, 1989. The hearing was conducted in Los Angeles, California, and lasted two (2) 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 as follows:

1. All claims brought by Claimant are dismissed.
2. The parties shall each bear their respective costs including attorneys' fees.
3. In accordance with Section 43 of the NASD Code of Arbitration Procedure, the NASD shall retain the \$400.00 filing fee previously deposited by Claimant.

OTHER ISSUES

None.

DATE SERVED: 11/28/90

  
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Fredric R. Horowitz