

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between)
)
ROBERT J. and RITA F. SLATKOW,)
)
) Claimants,)
) Case #89-01866
vs.) Award
)
)
MERRILL LYNCH, PIERCE, FENNER &)
SMITH, INC.,)
)
) Respondent.)
)

Heard before the Arbitrator:

Leonard H. Davidson, Esq.

CASE SUMMARY

This claim was filed with the NASD, Inc. on June 28, 1989. The hearing was conducted in Fort Lauderdale, Florida on April 10, 1990, with a total of one (1) session.

Claimants, Robert J. and Rita F. Slatkow ("Slatkows"), alleged that Respondent, Merrill Lynch, Pierce, Fenner & Smith, Inc. ("MLPFS"), negligently represented Respondent's ability to handle transactions in the Japan Fund; that as a result of Claimants' reliance on such representations, there was a delay in the sale of Claimants' shares in that fund resulting in a loss.

Respondent denied all allegations of wrongdoing or liability; and, alleged that Claimants received the correct price for the sale of the fund on the day after the order was placed, because Respondent does not have a wire agreement with the fund to sell shares.

RELIEF REQUESTED

Claimants requested damages in the amount of \$1,940.76, costs, interest and reasonable attorney's fees.

Respondent requested denial of the claim and costs.

AWARD

On April 10, 1990, the undersigned arbitrator heard the controversy between the parties as set forth in submissions to arbitration signed by Claimants on June 23, 1989, and by Respondent on August 4, 1989. The arbitrator, 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. Respondent is found not liable to the Claimants and, therefore, all claims against it are hereby dismissed.

2. Claimants' request for attorney's fees is hereby denied.
3. Respondent's request for attorney's fees is hereby denied.
4. Pursuant to Section 43 of the Code of Arbitration Procedure, Claimants are hereby assessed forum fees in the amount of Twenty Five and 00/100 (\$25.00) Dollars, for which the National Association of Securities Dealers, Inc. shall retain the Twenty Five and 00/100 (\$25.00) Dollar filing fee previously deposited by the Claimant in full satisfaction thereof.
5. The parties shall each bear all other costs and expenses incurred by them in connection with this proceeding.

OTHER ISSUES

None.

ARBITRATOR CONCURRING


Leonard H. Davidson, Esq.

Received this 16th day of April 1990.