

NATIONAL ASSOCIATION OF SECURITIES DEALERS

**In the Matter of the Arbitration Between
Wilma J. Miller**

Claimant(s)

vs.

**Dean Witter Reynolds, Inc.,
Anthony P. Fowkes, and
Timothy Callahan**

Respondent(s)

**NOTICE OF
ARBITRATION**

AWARD

89-02102

CASE SUMMARY

Claimant(s) Wilma J. Miller alleged that Respondent(s) Dean Witter Reynolds, Inc., Anthony P. Fowkes, and Timothy Callahan failed to execute a sell order. Respondent(s) maintain that a two day settlement is a fair and reasonable time frame.

RELIEF REQUESTED

Claimant(s) Wilma J. Miller requested damages of Four Thousand Thirty Six Dollars and No Cents (\$4,036.00). Respondent(s) requested dismissal of claim and costs.

AWARD

Pursuant to Section 13 of the NASD, Inc. Code of Arbitration Procedure ("Simplified Arbitration") a single arbitrator, David I. Bursten, Esq., was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant(s) on June 30, 1989 and by Respondent(s) on September 14, 1989, respectively;

And, that the Arbitrator, having considered the proofs of the Parties, including any additional documentary submissions of the Claimant(s) and the Respondents(s) has decided and determined in full and final resolution of the issue submitted for determination as follows:

The claim against Anthony P. Fowkes, and Timothy Callahan is dismissed in its entirety; and

Since Respondent Dean Witter Reynolds, Inc. has already credited Claimant's account with the difference between the dollar amount she should have received had the sale on liquidation taken place promptly when ordered, and the amount for which she was originally credited, no further award is required in connection with the transaction except for interest at the rate of $\frac{1}{4}$ of one percent per month calculated on a principal sum of Three Thousand Seventy Seven Dollars and No Cents (\$3,077.00) for the period from October 19, 1987 to November 20, 1987, to wit: Fifteen Dollars and Eighty-Eight Cents (\$15.88).

The parties shall each bear their respective costs including attorney's fees.

The \$100.00 filing fee previously deposited with the NASD, Inc. by the Claimant(s) shall be refunded to the Claimant by the Respondent Dean Witter Reynolds, Inc..

December 6, 1989