

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

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IN THE MATTER OF THE ARBITRATION BETWEEN :  
Charles Schwab & Co., Inc. :  
Claimant : Case #89-02668  
vs. : AWARD  
Harry Flitter and Ruth Flitter :  
Respondents :  
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CASE SUMMARY

Claimant seeks a debit balance created in Respondent's account during October 1987 when Respondents failed to satisfy margin requirements. Respondents deny the allegations, and interpose defenses asserting that Claimant refused to extend their time to provide additional collateral, and that the "timing" of Claimant's actions was an improvident exercise of discretion.

RELIEF REQUESTED

Claimant seeks \$14,042.41 with interest from November 30, 1987, plus costs including attorneys' fees. Respondents seek dismissal of all claims.

AWARD

On April 25, 1990 in 2 sessions in New York City, New York the undersigned arbitrator heard the controversy between the parties as set forth in submissions to arbitration signed by Claimant Charles Schwab & Co., Inc. on May 25, 1988. 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. Respondents be and hereby are jointly and severally liable and shall pay to Charles Schwab & Co., Inc. the sum of Fourteen Thousand Forty Two Dollars and Forty One Cents (\$14,042.41), plus interest at 9% from November 30, 1987 to the date of payment.

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 \$900.00 filing fee previously deposited by the Claimant as costs of the two hearing sessions conducted in this matter, and assess \$900.00 against Respondents Harry and Ruth Flitter jointly and severally.

CONCURRING ARBITRATOR

/s/ \_\_\_\_\_  
DAVID M. KAPLAN

DATED: May 8, 1990