

NASD

~~N.A.S.D. NASD~~

Arbitration

NATIONAL ASSOCIATION OF SECURITIES DEALERS

National Association of
Securities Dealers, Inc.
Suite 1680
Three First National Plaza
Chicago, IL 60602
(312) 899-4440

In the Matter of the Arbitration Between

Name of Claimant(s)

Bert Dohmen-Ramirez & Futurex
Trading Ltd.

89-03094

Name of Respondent(s)

Charles Schwab & Company, Inc.

CASE SUMMARY

Bert Dohmen-Ramirez, as Trustee of the EDR Revokable Trust and Futurex Trading Ltd., ("Claimant") alleged that Charles Schwab & Co., Inc. ("Respondent") failed to properly execute purchase orders for call options on January 23, 1987 and May 5, 1987. Claimant also alleged that the Respondent failed to properly report the fill information on the trades in question.

Respondent denied the claims and further alleged that 1) Respondent properly handled the Claimant's orders, 2) any loss suffered by the Claimant was due to market conditions, and 3) Claimant failed to properly mitigate his damages.

RELIEF REQUESTED

Claimant requested damages in the amount of \$115,000.00. Respondent requested that the claim of the Claimant be dismissed.

AWARD

On November 3, 1989 the National Association of Securities Dealers, Inc. (NASD) received the claim of the Claimant. On November 14 and 26, 1990, in Chicago, Illinois, in a hearing lasting four sessions, the undersigned arbitrators heard the controversy between the parties as set forth in the submissions to arbitration signed on October 30, 1989 by the Claimant and on January 22, 1990 by Richard S. Dangerfield on behalf the Respondent.

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The arbitration panel, having considered the pleadings, the testimony, and the evidence presented at the hearing, has decided in full and final resolution of the issues submitted for determination as follows:

1. All claims asserted by the Claimant against Respondent are hereby dismissed.

2. Pursuant to Section 43 (c) of the NASD Code of Arbitration the NASD shall retain the \$750.00 deposited by the Claimant and the Claimant shall pay additional \$750.00 as forum fees. The Respondent shall pay \$1,500.00 as forum fees to the NASD.

Dated: <u>December 12, 1990</u>	/S/ <u>Barry E. Simon</u> Barry E. Simon, Esq. Presiding Arbitrator
Dated: _____	/S/ _____ Philip P. Rummel
Dated: _____	/S/ _____ Marc B. Horin

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By the Panel

Dated: _____

/S/

Barry E. Simon, Esq.
Presiding Arbitrator

Dated: December 7, 1990

/S/

Philip P. Rummel
Philip P. Rummel

Dated: _____

/S/

Marc B. Horin
Marc B. Horin

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By the Panel

Dated: _____

/S/

Barry E. Simon, Esq.
Presiding Arbitrator

Dated: _____

/S/

Philip P. Rummel

Dated: December 10, 1990

/S/

Marc B. Horin