

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Larry E. Harris
Enterprises, Inc. et al

Claimant(s)

vs.

Shearson Lehman Hutton, Inc.
Prudential-Bache
Securities, Inc., et al

Respondent(s)

NOTICE OF
ARBITRATION

AWARD

89-03148

CASE SUMMARY

Claimant(s) Larry E. Harris Enterprises, Inc. et al alleged that Respondent(s) Shearson Lehman Hutton, Inc. Prudential-Bache Securities, Inc., et al jointly mismanaged and delayed the transfer of Claimant's funds from accounts maintained at Prudential-Bache Securities, Inc. to Shearson Lehman Hutton, Inc. Respondent Prudential-Bache Securities, Inc. maintains it was not at fault for any delay in the transfer of Claimant's accounts. Respondent Prudential-Bache Securities, Inc. further maintains that Claimant suffered no actual losses and is not entitled to recover its alleged lost profits or receive punitive damages in regard to securities that Claimant might have purchased and sold to generate a trading profit in contradicition to their past investment history. Respondent Shearson Lehman Hutton, Inc. requested that Claimant clarify any wrongdoing by it and submitted that any damages suffered by Claimant are speculative in nature as they are based on subsequent increases in stock prices.

RELIEF REQUESTED

Claimant(s) Larry E. Harris Enterprises, Inc. requested actual damages of Five Thousand Dollars and No Cents (\$5,000.00) plus punitive damages in the amount of Two Thousand Dollars and No Cents (\$2,000.00). 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, Robert L. Agosto, 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 November 10, 1989 and by Respondent Prudential-Bache Securities, Inc. on December 27, 1989 and Respondent Shearson Lehman Hutton, Inc. on March 7, 1990, respectively;

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

The claim against the Respondents is hereby dismissed in all respects.

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) is assessed against the Claimant and shall be retained by the NASD as costs of this proceeding.

April 6, 1990