

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Jack H. Schonzeit and
Judith Secular, TTEES

Claimant(s)

vs.

Bear, Stearns & Co., Inc.

vs.

Sloate, Weisman,
Murray & Co., Inc.

Respondent(s)

NOTICE OF
ARBITRATION
AWARD
89-03351

CASE SUMMARY

Claimant(s) Jack H. Schonzeit and Judith Secular, TTEES alleged that Respondent(s) Bear, Stearns & Co., Inc. was negligent in informing her that the company whose stock she and her now deceased brother owned had been merged into another company, and they lost investment opportunities. Respondent Bear, Stearns & Co., Inc. alleges that it did not receive information regarding the merger in a timely fashion and moreover, its office merely provided a clearing function for Sloate, Weisman, Murray & Co., Inc. her direct stockbroker. Respondent Sloate, Weisman did not respond.

RELIEF REQUESTED

Claimant(s) Jack H. Schonzeit and Judith Secular, TTEES requested damages of Five Thousand Seven Hundred Four Dollars and Forty Cents (\$5,704.40). Respondent(s) requested dismissal of claim and costs, and Respondent Bear, Stearns & Co., Inc. entered a third party claim against Sloate, Weisman, Murray & Co., Inc. for any liability arising out of this proceeding.

AWARD

Pursuant to Section 13 of the NASD, Inc. Code of Arbitration Procedure ("Simplified Arbitration") a single arbitrator, Delores I. Smith, 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 9, 1989 and by Respondent(s) on Bear, Stearns & Co., Inc. on April 3, 1990, and not by the Respondent Sloate, Weisman, Murray & Co., Inc. as required by Section 12(a) of the NASD, Inc. Code of Arbitration Procedure, respectively;

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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:

That the Respondent Bear, Stearns & Co., Inc. is liable and shall pay to the Claimant the sum of Two Thousand Three Hundred Fifty Three Dollars and Twenty Four Cents (\$2,353.24), and;

That the third party claim of the Respondent Bear, Stearns & Co., Inc. against the Respondent Sloate, Weisman, Murray & Co., Inc. 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) shall be refunded to the Claimant by the Respondent Bear, Stearns & Co., Inc.

May 31, 1990