

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Marcia Churchill

Claimant(s)

vs.

Shearson Lehman
Brothers, Inc.

Respondent(s)

NOTICE OF
ARBITRATION
AWARD
90-00477

CASE SUMMARY

Claimant(s) Marcia Churchill alleged that Respondent(s) Shearson Lehman Brothers, Inc. misrepresented material facts about an investment that was unsuitable for the Claimant. Respondent denies Claimant's allegations.

RELIEF REQUESTED

Claimant(s) Marcia Churchill requested damages of Three Thousand Dollars and No Cents (\$3,000.00). 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, William Zysk, 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 February 9, 1990 and not by the Respondent as required by Section 12(a) of the NASD, Inc. Code of Arbitration Procedure;

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 claim of the Claimant 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 retained by the NASD as costs of this proceeding.

September 6, 1990

Note: Fill out only those sections which apply to this particular case. Case Number 90-00477

- 1) Case Dismissed X
- 2) Find for the Claimant
(a) total amount of the award: \$ _____
(b) if two or more respondents are liable: yes _____ no _____
(1) joint and severally liable:
(2) if respondents separately liable
list party and the amounts: _____

- 3) Counterclaim of Respondent
(a) total amount of award: \$ _____
(b) party to receive award: _____
(c) counterclaim dismissed: _____
- 4) Punitive Damages
(a) total amount \$ _____
(b) name parties against whom damages are to be assessed and in what amounts: _____

- (c) claim dismissed: _____
- 5) NASD Fee
(a) assessed against Claimant
(b) assessed against Respondent X
- 6) Use this space to expand or clarify any part of the decision above or to indicate other forms of specific relief.

Claimant received monthly statements, which, at minimum, allowed claimant to monitor account's performance.

Affirmation

STATE OF

Pennsylvania

COUNTY OF

Dauphin

I, *William Zyk*

, do hereby affirm upon my oath as arbitrator that I am the individual described in and who executed this instrument, which is my oath and award.

8/30/90

(DATE)

[Signature]

(SIGNATURE OF ARBITRATOR)