

**NATIONAL ASSOCIATION OF SECURITIES DEALERS**

**In the Matter of the Arbitration Between**

**Kevin and Anne Shaha**

**Claimant(s)**

**vs.**

**J.C. Bradford & Co.  
and Rick Lutz**

**Respondent(s)**

**NOTICE OF  
ARBITRATION  
AWARD**

**90-00496**

**CASE SUMMARY**

Claimant(s) Kevin and Anne Shaha alleged that Respondent(s) J.C. Bradford & Co. and Rick Lutz failed to execute a sell order by Claimant in response to a margin call. Respondent J.C. Bradford & Co. denied that the sell order in questions was entered and maintains that Claimant failed to mitigate damages once the alleged error was discovered. Respondent Rick Lutz maintains that Claimants were advised that the order was not executed shortly after the margin call was satisfied by an increase in the value of Claimants' portfolio.

**RELIEF REQUESTED**

Claimant(s) Kevin and Anne Shaha requested damages of Four Thousand Dollars and No Cents (\$4,000.00). 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, Mark E. Feierstein, 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 February 12, 1990 and not by the Respondents 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.

Notice of Arbitration Award  
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The \$100.00 filing fee previously deposited with the NASD, Inc. by the Claimant(s) shall be refunded to the Claimant by the Respondent J.C. Bradford & Co.

June 27, 1990