

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between	x
	x
Marvin and Suzanne Epstein,	x
Claimants,	x
	x CASE NO.
vs.	x 90-02261
	x
Fidelity Brokerage Services, Inc.,	x AWARD
Respondent.	x
	x

CASE SUMMARY

Claimants, Marvin and Suzanne Epstein ("Claimants"), alleged that the Respondent, Fidelity Brokerage Services, Inc. ("Respondent"), incorrectly computed the number of shares in their margin account and, thus, the value of the account. Claimants further alleged that as a result of the Respondent's misperceived deficiency of marginable securities, the Respondent improperly liquidated the securities in their account to meet the margin call thereby causing the Claimants to suffer losses.

The Respondent contended that it administered the Claimants' accounts properly and in accordance with their account agreements and industry standards. Respondent further contended that the losses sustained in the Claimants' accounts were caused solely by the dramatic volatility in the market and its effect on their high-risk options trading strategy, and not due to the Respondent's handling of the accounts.

RELIEF REQUESTED

Claimants requested actual damages of \$126,437.50, plus 9% interest from October 16, 1989 and costs. Respondent requested dismissal of the Statement of Claim in its entirety, plus costs and attorneys' fees.

AWARD

On February 21, April 18 & 25, 1991, the undersigned arbitrators heard the controversy between the parties as set forth in submissions to arbitration signed by the Claimants Marvin and Suzanne Epstein on August 3, 1990, and by Respondent Fidelity Brokerage Services, Inc. on October 15, 1990. The initial claim was filed on August 15, 1990. The hearing was conducted at the offices of the National Association of

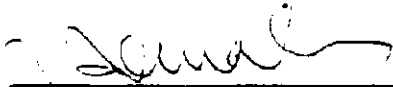
Securities Dealers, Inc. in New York City, NY, and consisted of six (6) hearing sessions. The arbitration panel having considered the pleadings, the testimony, and the evidence presented at the hearing, has unanimously determined in full and final resolution of the issues submitted for determination as follows:

1. All claims against Respondent Fidelity Brokerage Services, Inc. be and hereby are dismissed in their entirety.
2. The parties each shall bear their respective costs, including attorneys' fees.


Forum Fees:

3. Pursuant to Section 43 of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall retain the \$950.00 filing fee previously deposited by the Claimant, and the Respondent be and hereby is liable and shall pay to the National Association of Securities Dealers, Inc. the sum of FOUR THOUSAND FIVE HUNDRED DOLLARS AND NO CENTS (\$4,500.00), as costs of the six (6) hearing sessions conducted in this matter. In addition, the Respondent be and hereby is liable and shall pay the Claimants the sum of Nine Hundred Fifty Dollars And No Cents (\$950.00), to offset the filing fee previously paid by the Claimants.

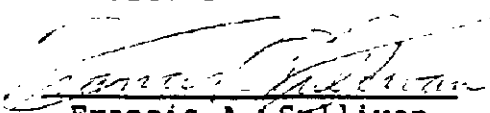
CONCURRING ARBITRATORS



Howard S. Eilen



Fred S. Pieroni



Francis A. Sullivan

Dated: April 25th, 1991