

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between

Charles E. and Ruth M. Riggs

Claimants

vs.

Charles Schwab and Company

Respondent

Case #90-02861  
AWARD

CASE SUMMARY

Charles E. and Ruth M. Riggs, Pro Se, in a claim filed with the National Association of Securities Dealers, Inc. on October 15, 1990, alleged that Respondent, Charles Schwab and Company failed to respond to their attempts to dissent to a stock merger thus denying them the opportunity to pursue an offer for their Revlon Group stock or get an objective appraisal for said stock.

Respondent, Charles Schwab and Company, in an Answer submitted by Joseph L. Aldridge, San Francisco, CA maintained that it made a good faith attempt to dissent the Riggs' shares as requested but, in all probability, failed to do so. However, Respondent states that the Claimants were not damaged by this probable failure and, in fact, received interest for the time their accounts remained uncredited after the merger was completed.

Claimants reply that Schwab did not perform responsibly and, as a result, the right to an independent stock appraisal was denied. Claimants also allege that Respondent was negligent in responding to their claim.

RELIEF REQUESTED

Claimants request Six Thousand Three Hundred Forty Three Dollars and No Cents (\$6,343.00) in total damages or Six Thousand Four Hundred Forty Three Dollars and No Cents (\$6,443.00) representing Nine Thousand Eight Hundred Sixty Dollars and No Cents (\$9,860.00) minus Three Thousand Four Hundred Seventeen Dollars and No Cents (\$3,417.00) equalling Six Thousand Four Hundred Forty Three Dollars and No Cents (\$6,443.00).

Respondent requests that all allegations of the Statement of Claim be denied.

AWARD

Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Pamela A. Covella, Esq., was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimants on December 12, 1990 and by the Respondent on January 30, 1991;

And, that the Arbitrator, having considered the proof of the Parties, has decided and determined in full and final resolution of the issues submitted for determination as follows:

1. That the Respondent, Charles Schwab and Company is liable and shall pay to the Claimants, Charles E. and Ruth M. Riggs, the sum of One Thousand Twenty Five Dollars and Ten Cents (\$1,025.10);
2. The One Hundred and Fifty Dollar (\$150.00) filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimants shall be retained by the NASD, Inc. and is assessed against the Respondent and payable to the Claimants by the Respondent.

AFFIRMATION

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



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Signature of Arbitrator

DATED: June 17, 1991