

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimants

Sherman & Linda P. Mickall, Individually and as Trustees
Jerome, Luane & Stacey Mickall, Trustees et al.
Dolores Mickall

vs.

NASD #91-01296

Name of Respondents

Bear Stearns & Company, Inc.
Arthur Mishler

REPRESENTATION

For Claimants: William F. Davis, Esq., Pacific Palisades, California

For Respondents: Anthony Pacheco, Esq., McCambridge, Deixler, Marmaro &
Goldberg, Los Angeles, California

CASE INFORMATION

Statement of Claim filed: April 23, 1991

Claimants' Submission Agreement signed: April 12, 1991

Statement of Answer filed by Respondents: August 14, 1991

Respondents' Submission Agreements signed:

Arthur Mishler: August 7, 1991

Bear Stearns & Company: August 7, 1991

HEARING INFORMATION

Prehearing Conference Date/Sessions: January 30, 1992 - one session

Hearing Date/Sessions: August 11, 1992 - two sessions

Hearing Location: Los Angeles, California

CASE SUMMARY

Claimants alleged misrepresentation, lack of suitability, rescission, negligence, breach of contract and fraud regarding the purchase of Columbia Bonds. Claimants withdrew their allegations of fraud at the beginning of the arbitration.

Respondents denied all substantive allegations of the Statement of Claim, alleging that Claimants were sophisticated, wealthy investors; full disclosure; authorization; and loss on the bonds due to unforeseeable events.

RELIEF REQUESTED

Claimants requested:

1. Rescission of the sale of Columbia Bonds;
2. Compensatory damages of approximately \$93,967.00;
3. Interest;
4. Punitive damages;
5. Costs and attorneys' fees; and
6. Such further relief as the arbitrators deem proper.

OTHER ISSUES CONSIDERED & DECIDED

The parties have agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered. In either case, the parties have agreed to receive conformed copies of the Award while the originals remain on file with the National Association of Securities Dealers (NASD).

AWARD

After considering the pleadings, the testimony and the evidence presented at the hearing, the undersigned arbitrators have decided in full and final resolution of the issues submitted for determination as follows:

1. All claims are dismissed;
2. The claim for punitive damages is dismissed;
3. The parties shall each bear their respective costs including attorneys' fees.

FORUM FEES

Pursuant to Section 43(c) of the Code of Arbitration Procedure, the following forum fees are assessed: The NASD shall retain the \$750 hearing session fee previously deposited by the Claimants. Forum Fees are assessed against Claimants for \$1,050.00, calculated as follows: two hearing sessions at \$750.00/session equals \$1,500.00, plus \$300.00 for one prehearing session, minus \$750.00 hearing deposit paid, equals \$1,050.00.

Fees are payable to the National Association of Securities Dealers, Inc.

ARBITRATION PANEL

Name

Public/Industry

Concurring Arbitrators' Signatures

Public Arbitrator

Public Arbitrator

Industry Arbitrator

DATE SERVED: 09/09/92


Andrew J. Sorensen

Date of Decision: _____