

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between :
:
Edward D. Milligan, TTEE :
:
Claimant :
:
CASE #91-01438
vs. :
AWARD
:
Bear Stearns & Co., Inc. :
:
Respondent : -

CASE SUMMARY

Pro Se Claimant, Edward D. Milligan, TTEE Edward D. Milligan Trust UDT, in a claim filed with the National Association of Securities Dealers, Inc. on May 8, 1991, alleged that Respondent Bear Stearns & Co., Inc. willfully concealed important investment information concerning Bally's Grand, Inc. 1st mortgage notes, the purchase of which has caused him a substantial loss.

Respondent, Bear Stearns & Co., Inc. by its attorney William Mallory, New York, NY, maintained that Milligan was advised and understood that the Bally bonds were rated below investment grades but he accepted the additional risk for the attractive yield of 11.197%. They state that Claimant received monthly statements indicating the decline in value of the bonds and he chose not to sell.

Mr. Milligan submitted a reply to the Answer dated June 26, 1991 and one dated July 5, 1991.

Respondent submitted two affidavits in support of its position.

RELIEF REQUESTED

Claimant requested damages of Seven Thousand Eighty-Eight Dollars and Thirty-Three Dollars (\$7,088.33) plus interest.

Respondent requests dismissal of the claim with costs assessed against the Claimant.

AWARD

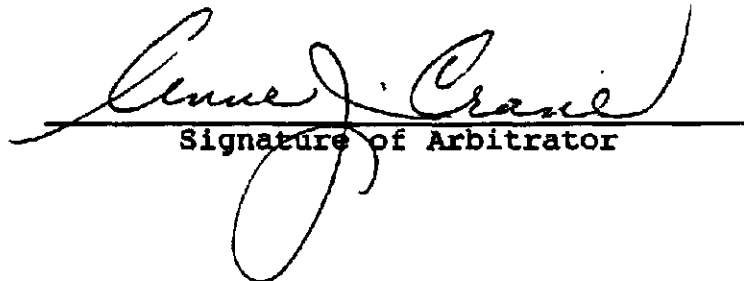
Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Anne J. Crane, Esq., was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on April 30, 1991 and by the Respondent on June 17, 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 Claim of Edward D. Milligan, TTEE be, and hereby is, dismissed in its entirety.
2. The parties shall bear their respective costs including attorney's fees.
3. The One Hundred Fifty Dollars (\$150) filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant shall be retained by the NASD, Inc.

AFFIRMATION

I, ANNE J. CRANE, 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.


Signature of Arbitrator

DATED: OCTOBER 2, 1991