

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Names of Claimants

Joe, Randy, Brian, & Kevin Bellamy

91-02143

Names of RespondentsBear Stearns & Company and
Curtiss ParkerRepresentationFor Claimants: Paul R. Elofson, Esq. of McGill Gotadiner Workman & Lepp,
P.C., Omaha, Nebraska.For Respondents: Terrance S. Dewald, Esq. of Kutak Rock & Campbell,
Omaha, Nebraska.CASE INFORMATION

Statement of Claim filed: July 12, 1991.

Claimants' Submission Agreements signed on: July 10, 1991.

Joint Statement of Answer filed by Respondents on or about: October 10,
1991.Respondent, Bear Stearns & Company's Submission Agreement signed on:
October 9, 1991.Respondent, Curtiss Parker did not file a Submission Agreement with the
NASD.HEARING INFORMATIONHearing Dates/Sessions: May 7, 1992 for two (2) sessions,
May 8, 1992 for two (2) sessions,
May 19, 1992 for three (3) sessions,
May 20, 1992 for three (3) sessions.

Hearing Location: Omaha, Nebraska.

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CASE SUMMARY

Claimants Joe, Randy, Brian, & Kevin Bellamy ("The Bellamys") alleged that Respondent Bear Stearns & Company ("Bear Stearns") through its representative, Respondent Curtiss Parker ("Parker") failed to honor instructions to liquidate the Bellamy's position in the following common stocks: Intel Corporation, Oracle Systems Corporation, and Quantum Corporation. The Bellamys further alleged that they purchased First Executive Corporation stock based on assurances and representations made by Parker that the stock was suitable, the impending merger, and the timing of settlement. The Bellamys alleged that at no time did Parker or any individual from Bear Stearns inform them that the First Executive was a high-risk stock or speculative stock. The Bellamys alleged that Parker and Bear Stearns breached their fiduciary duty, purchased unsuitable investments, made various misrepresentations, and failed to disclose information regarding the Bellamy's investments and investing.

Respondents, Bear Stearns and Parker denied ever receiving the Bellamy's order to liquidate the stocks listed above. Bear Stearns and Parker also denied that Parker ever recommended First Executive stock to the Bellamys. Bear Stearns and Parker asserted the defenses of ratification and estoppel.

RELIEF REQUESTED

Claimant, Joe Bellamy requested damages in the amount of \$364,676.00 plus interest, costs, attorney's fees, and punitive damages. Claimants, Randy, Brian, & Kevin Bellamy requested damages in the amount of \$23,710.00 plus interest, costs, attorney's fees, and punitive damages.

Respondents, Bear Stearns & Company and Curtiss Parker requested that the Statement of Claim be dismissed and that the costs of the proceeding be assessed against Claimants.

CASE 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 NASD.

Respondent Curtiss Parker did not file with the NASD a properly executed submission to arbitration pursuant to Section 12 of the Code, but having answered the claim, appeared and testified at the hearing is bound by the determination of the panel on all issues submitted.

The Respondents asserted a Motion To Dismiss the case at the conclusion of the Claimant's case. The panel denied the motion. The Respondents re-asserted the Motion To Dismiss at the close of the hearing. The panel denied

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the motion prior to final arguments.

The Claimants filed an Amended Statement of Claim by oral motion at the commencement of the hearing on May 7, 1992. The Respondents did not object. The Respondents filed an Amended Answer by oral motion at the commencement of the hearing on May 19, 1992. The Claimants did not object.

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. Respondents Bear Stearns & Company and Curtiss Parker shall be and hereby are jointly and severally liable for and shall pay to the Claimant Joe Bellamy actual damages in the amount of Two Hundred Twenty Six Thousand One Hundred Seventy One Dollars and No Cents (\$226,171.00);
2. Respondents Bear Stearns & Company and Curtiss Parker shall be and hereby are jointly and severally liable for and shall pay to the Claimants Randy, Brian, and Kevin Bellamy actual damages in the amount of Fourteen Thousand Seventy Seven Hundred Dollars and Seventy Six Cents (\$14,077.76);
3. The claim for interest on the above stated sums is denied;
4. The claim for punitive damages is denied; and,
5. Each of the parties shall bear their own costs and expenses incurred, including attorney's fees incurred in this matter.

FORUM FEES

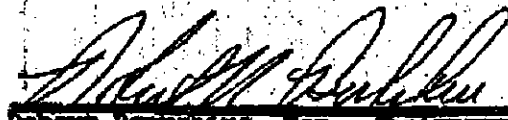
Pursuant to Section 43c of the Code of Arbitration Procedure, the following Forum Fees are assessed; 10 sessions X \$750 = \$7500 minus hearing session deposit of \$750 = net \$6750 due to the NASD.

Forum fees Assessed Against: Claimants Joe, Randy, Brian, and Kevin Bellamy jointly and severally in the amount of Three Thousand Dollars (\$3000.00) and against the Respondents Bear Stearns & Company and Curtiss Parker jointly and severally in the amount of Three Thousand Seven Hundred and Fifty Dollars (\$3750.00).

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Additional Forum Fees assessed to the parties are payable to the
National Association of Securities Dealers, Inc.


By The Arbitration Panel:


Robert Berkshire, Esq., Chairperson
Public Arbitrator

Dated:

7/16/92


Larry R. Russell, Panelist
Public Arbitrator


Richard L. Mitchell, Panelist
Industry Arbitrator

Date award served by the NASD: _____

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Additional Forum Fees assessed to the parties are payable to the
National Association of Securities Dealers, Inc.

By The Arbitration Panel:

Dated:

Robert Berkshire, Esq., Chairperson
Public Arbitrator

Larry R. Trussell
Larry R. Trussell, Panelist
Public Arbitrator

7/15/92

Richard L. Mitchell, Panelist
Industry Arbitrator

Date award served by the NASD: _____

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Additional Forum Fees assessed to the parties are payable to the National Association of Securities Dealers, Inc.

By The Arbitration Panel:

Dated:

Robert Mackenzie, Esq., Chairperson
Public Arbitrator

Larry E. Trumbull, Panelist
Public Arbitrator

Richard L. Mitchell, Panelist
Industry Arbitrator

July 13, 1992

Date award served by the MSD: _____

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| TO: NASD | FROM: RICHARD L. MITCHELL | |
| RE: ARBITRATION | DEAN WITTER Reg. | |
| SHARON KENZ | 402-399-1500 | |
| 312-236-9239 | 402-399-1575 | |