

PUBLIC

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimants

Saleem & Fauzia Humayun

92-02285

Name of Respondent

A.G. Edwards & Sons, Inc.

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on July 10, 1992, Claimants Saleem & Fauzia Humayun, who appeared Pro Se, alleged that Respondent A.G. Edwards & Sons, Inc. failed to notify them on a timely basis regarding the acceleration of 1,700 Intel Warrants which were originally to expire on 5/15/95. The Claimants further alleged that had they been informed of the acceleration of the warrants on or before April 9, 1990, they could have sold them for a gain. The Claimants contended that they have incurred losses due to the wrongdoing of Respondent A.G. Edwards & Sons, Inc. and that they should be compensated for these losses.

Respondent A.G. Edwards & Sons, Inc., through its in-house counsel M. Jane Matocian, Esq., maintained that it did not have a duty to notify the Claimants of the acceleration and expiration of the Intel Warrants, but that they were notified by Intel itself and by the Respondent with sufficient time for Claimants to exercise their warrants prior to April 24, 1990. The Respondent further maintained that any losses sustained by the Claimants were due to their own negligence in selling the Intel stock upon exercise of the warrants, and that if they had decided to hold the shares for one more week, they would have made a profit.

RELIEF REQUESTED

Claimants Saleem & Fauzia Humayun requested \$7,400.00 in actual damages.

Respondent A.G. Edwards & Sons, Inc. requested that the claims of the Claimants be dismissed and it be awarded its costs and attorney's fees.

AWARD

Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single Public Arbitrator, Marvin I. Horowitz, 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 July 7, 1992 and by the Respondent on August 24, 1992.

And, 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. The claims of the Claimants Saleem & Fauzia Humayun against Respondent A.G. Edwards & Sons, Inc. are dismissed in their entirety.
2. The parties shall bear their respective costs.
3. The \$150.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimants shall be retained by the NASD, Inc. Respondent A.G. Edwards & Sons, Inc. is liable and shall pay \$150.00 to the Claimants as reimbursement of the filing fee.

AFFIRMATION

I, MARVIN I. HOROWITZ, 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.


Marvin I. Horowitz, Esq.

DATE OF DECISION: August 17, 1993

DATED BY THE NASD, INC.: August 24, 1993