

**N.A.S.D. AWARD**

**NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.**

In the matter of the Arbitration Between

Jany Batcha

Claimant

v

Shearson Lehman Hutton, Inc.

Respondent

NASD Arbitration

No 93-02572

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**REPRESENTATION**

For Claimant: James E. Smith, Esq. - Las Vegas, Nevada

For Respondent: John Bevilacqua, Esq.: Smith Barney Shearson, Inc., New York, New York

**CASE INFORMATION**

Statement of Claim filed: June 30, 1993

Claimant's Submission Agreement signed: June 22, 1993

Statement of Answer filed by Respondent: October 14, 1993

Respondent's Submission Agreement signed: October 14, 1993

**HEARING INFORMATION**

Hearing Dates / Sessions: May 24, 1994 - One Session

Hearing Location: Las Vegas, Nevada

**CASE SUMMARY**

Claimant, Jany Batcha, alleged that he incurred losses when Respondent failed to follow instructions as to a commodities trade.

Respondent denied each and every allegation made by Claimant.

**RELIEF REQUESTED**

Claimant seeks to recover the sum of \$30,000.00.

Respondent seeks dismissal of the claim in its entirety.

### OTHER ISSUES CONSIDERED AND DECIDED

The Respondent made a motion to dismiss due to Claimant's failure to state a valid claim. Said motion was denied by the panel. The award is based on the facts presented at the hearing.

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 original remains on file with the 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. Each and every claim of Claimant, Jany Batcha, against Respondent, Shearson Lehman Brothers, Inc. is dismissed.
2. No costs or fees are awarded.
3. Respondent shall reimburse Claimant, the sum of \$200.00 as an assessment for one-half of the forum fees for one session.

### FORUM FEES

Pursuant to Section 43(c) of the Code of Arbitration Procedure,

The NASD shall retain Claimant's \$400.00 hearing session deposit.

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

### ARBITRATORS

#### Name

William Barker, Esq.

Alan Duncan

Ann M. Seward, Esq.

#### Public / Industry

Public Arbitrator

Industry Arbitrator

Public Arbitrator

#### Concurring Arbitrators' Signatures



William Barker, Esq.

Alan Duncan

Ann M. Seward, Esq.

Served 6/15/94

Date of Decision:

6/16/94

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Served 6/15/94

Date of Decision: 5-24-94

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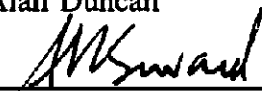
Industry Arbitrator

Public Arbitrator

#### Concurring Arbitrators' Signatures

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Alan Duncan

  
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Ann M. Seward, Esq.

Served 6/15/94

Date of Decision: 5/24/94