

NASD REGULATION, INC.

In the Matter of the Arbitration Between

Name of Claimants

Shirley Leshowitz
Sylvia Heller

96-02709

Name of Respondents

Greystone Associates
Howard C. Zelin
Maidstone Financial Inc.
National Financial Services Corp.

REPRESENTATION

Claimants appeared pro se.

For Respondent, National Financial Services Corp., appeared, Michael G. Shannon, Esq., from the law firm of Phillips, Lytle, Hitchcock, Blaine & Huber located in New York, New York.

CASE INFORMATION

Statement of Claim filed: June 24, 1996

Claimant Shirley Leshowitz's Submission Agreement signed on: August 6, 1996

Claimant Sylvia Heller's Submission Agreement signed on: August 6, 1996

Statement of Answer filed by Respondent National Financial Services Corp. on: October 11, 1996

Respondent National Financial Services Corp.'s Submission Agreement signed on: October 11, 1996

Statement of Answer filed by Respondent Howard C. Zelin on: November 18, 1996

Respondent Howard C. Zelin's Submission Agreement signed on: October 31, 1996

Statement of Answer filed by Respondent Maidstone Financial Inc. on: October 11, 1996

Respondent Maidstone Financial Inc.'s Submission Agreement signed on: October 11, 1996

Statement of Answer filed by Respondent Greystone Associates on: November 4, 1996

Respondent, Greystone Associates did not execute a Submission Agreement as required by Rule 10314(b) of the Code of Arbitration Procedure.

HEARING INFORMATION

Hearing Date/Sessions: April 29, 1997

Hearing Location: Club Quarters
52 Williams Street
New York, New York

CASE SUMMARY

Claimants, alleged that Respondent, National Financial Services, Inc., either failed to respond to their requests for information regarding the sale of their shares of Work Recovery, Inc. in each of the Claimants' accounts, or did not respond in a timely manner, causing them to lose the opportunity to sell their stock at a favorable price.

Respondent, National Financial Services Corp., asserted that it acted in a timely manner, in its capacity as provider of clearing services to Greystone Associates and, therefore, is not responsible for delays that occurred prior to its receipt of the transfer request form (ACAT). Respondent also alleged that Claimants had been made whole by virtue of their settlement with other parties.

RELIEF REQUESTED

Claimants requested damages in the amount of \$1,275.00 in each account together with costs.

Respondent, National Financial Services Corp., requested dismissal of the claim or, alternatively, a damage calculation that takes into account the difference in value of the subject stock on the date of receipt of the transfer request and on the dates the transfer was executed.

OTHER ISSUES CONSIDERED & DECIDED

1. Prior to the hearing in this matter the Claimants, Shirley Leshowitz and Sylvia Heller, informed NASD Regulation, Inc., that they had settled their dispute with Greystone Associates, Maidstone Financial, Inc., and Howard C. Zelin.
2. 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 NASD Regulation, Inc.

AWARD

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

1. All claims asserted by Claimants, Shirley Leshowitz and Sylvia Heller, against Respondent, National Financial Services Corp., are dismissed in all respects; and,
2. The parties shall bear their respective costs; including attorney's fees.

FORUM FEES

Pursuant to Section 10332(c) of the Code of Arbitration Procedure, the following Forum Fees are assessed:

Total Forum Fees: \$100.00 (1 Session x \$100.00)

1. Claimants are assessed the sum of \$100.00 representing the total forum fees assessed, less \$100.00 previously deposited with NASD Regulation, Inc., leaving \$0.00 due.

ARBITRATOR'S SIGNATURE

I, Jill Pilgrim, Esq., do hereby affirm, pursuant to Article 7505 of the Civil Practice Laws and Rules, that I am the individual described herein, and who executed this instrument which is my decision in the above-referenced matter.


Jill Pilgrim, Esq.

Date of Decision: JULY 18, 1997