

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between:

William J. Shaw, (Claimant) vs. Solomon Smith Barney, Inc. (Respondent)

Case Number: 99-00264

Hearing Site: Dallas, Texas

REPRESENTATION OF PARTIES

Claimant, William J. Shaw, ("Claimant"): Bruce L. Dean, Esq.: Karger, Key, Barnes & Springer, Dallas, Texas.

Respondent, Solomon Smith Barney, Inc. (f/k/a Smith Barney) ("Respondent"): Victor A. Machcinski, Esq., Solomon Smith Barney, Inc., New York, New York.

CASE INFORMATION

Statement of Claim filed on or about: January 20, 1999.

Claimant signed the Uniform Submission Agreement: March 17, 1999.

Statement of Answer filed by Respondent, Solomon Smith Barney, on or about: May 21, 1999.

Respondent, Solomon Smith Barney, Inc. signed the Uniform Submission Agreement: May 20, 1999.

CASE SUMMARY

Claimant William J. Shaw asserted the following causes of action: negligence, deceptive trade practices and breach of fiduciary duty. The causes of action relate to the alleged trading losses in his account at Respondent Solomon Smith Barney.

Unless specifically admitted in its Answer, Respondent Salomon Smith Barney, Inc. (f/k/a Smith Barney Inc.) denied the allegations made in the Statement of Claim and asserted defenses including the following: The Statement of Claim fails to state a cause of action upon which relief can be granted; Claimant assumed the risk of his investments; the damages, if any, were caused by Claimant's failure to mitigate his damages; the damages allegedly suffered were

not proximately caused by any act attributable to Respondent; the claims are time-barred.

RELIEF REQUESTED

Claimant requested:

Compensatory Damages	\$900,000.00
Punitive Damages	unspecified
Interest	unspecified
Attorneys' Fees	unspecified
Other Costs	unspecified
Other Monetary/Non-Monetary Relief:	unspecified

Respondent requested:

Other Monetary/Non-Monetary Relief:

OTHER ISSUES CONSIDERED AND 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.

AWARD

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

1. That any and all requests for relief by Claimant's are hereby dismissed and denied in their entirety;
2. That any and all relief not specifically addressed herein, including punitive damages, is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Regulation, Inc. will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee = \$250.00

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm that employed the associated person at the time of the events giving rise to the dispute. In this matter, the member firm is a party.

Member surcharge = \$2,000.00

Pre-hearing process fee = \$600.00

Hearing process fee = \$3,500.00

Adjournment Fees

Adjournments requested during these proceedings:

October 10-12, 2000 adjournment by party William J. Shaw = \$1,000.00

Forum Fees and Assessments

The Arbitration Panel assesses forum fees for each hearing session conducted. A hearing session is any meeting between the parties and the arbitrators, including a pre-hearing conference with the arbitrators, that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with panel x \$1,000.00	= \$1,000
Pre-hearing conference: March 30, 2000	1 session
Six (6) Hearing sessions x \$1,200	= \$6000
Hearing Dates: January 16, 2001	2 sessions
January 17, 2001	2 sessions
January 18, 2001	2 sessions
Total Forum Fees	= \$7,000

1. The Arbitration Panel has assessed \$7,000.00 of the forum fees solely to Respondent Solomon Smith Barney, Inc.

Fee Summary

1. Claimant, William J. Shaw, be and hereby is solely liable for:

Initial Filing Fee	= \$250
Postponement Fees	= \$1000
Administrative Costs	= \$0
Total Fees	= \$1,200
Less payments	= \$2,500
Refund Due	= \$1,300

2. Respondent, Solomon Smith Barney, Inc., be and hereby is solely liable for:

Member Fees	= \$6,100
Adjournment Fee	= \$0
Forum Fees	= \$7,000
Administrative Costs	= \$0
Total Fees	= \$13,100
Less payments	= \$ 8,100
Balance Due NASD Dispute Resolution, Inc.	= \$5,000

All balances are due to NASD Dispute Resolution, Inc.

Concurring Arbitrators' Signature

/s/ Ann Blaess Kimball

March 21, 2001

Ann Blaess Kimball
Public Arbitrator, Presiding Chair

Signature Date

/s/ Melody Pruser

March 25, 2001

Melody Pruser
Industry Arbitrator

Signature Date

/s/ Harold Hunter

March 17, 2001

Harold Hunter, Jr.
Public Arbitrator

Signature Date

All balances are due to NASD Dispute Resolution, Inc.

Concurring Arbitrators' Signature


Ann Blaess Kimball
Public Arbitrator, Presiding Chair

March 21, 2001
Signature Date

Melody Pruser
Industry Arbitrator

Signature Date

Harold Hunter, Jr.
Public Arbitrator

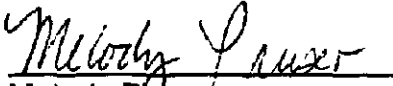
Signature Date

All balances are due to NASD Dispute Resolution, Inc.

Concurring Arbitrators' Signature

Ann Blaess Kimball
Public Arbitrator, Presiding Chair

Signature Date



Melody Pruser
Industry Arbitrator



Signature Date

Harold Hunter, Jr.
Public Arbitrator

Signature Date

NASD Arbitration No. 99-0264
Page 4 of 4

All balances are due to NASD Dispute Resolution, Inc.


Concurring Arbitrators' Signature

Ann Blaess Kimball
Public Arbitrator, Presiding Chair

Signature Date

Melody Pruser
Industry Arbitrator

Signature Date



Harold Hunter, Jr.
Public Arbitrator

3/17/01

Signature Date