

**Award**  
**NASD Regulation, Inc.**

---

In the Matter of the Arbitration Between

Name of Claimant

Stuart C. Sloame

NASD Case No. 99-01787

Hearing Location: Washington, D.C.

Name of Respondent

Salomon Smith Barney Inc.

---

**REPRESENTATION OF PARTIES**

Claimant Stuart C. Sloame ("Claimant"): Claimant is an attorney, who was joined by his wife , Esq.

Respondent Salomon Smith Barney, Inc. ("Respondent"): Joanne M. Chormanski, Esq. of Salomon Smith Barney, Inc., New York, New York.

**CASE INFORMATION**

Statement of Claim filed on or about: April 14, 1999.

Claimant signed the Uniform Submission Agreement: April 14, 1999.

Statement of Answer filed by Respondent on or about: June 14, 1999.

Respondent signed the Uniform Submission Agreement: June 14, 1999.

**CASE SUMMARY**

Claimant asserted the following causes of action: failure to follow instructions with regard to the sale of 1500 shares of Medical Advisory Systems, Inc. ("MEAS") and negligence. Claimant alleged that on January 6, 1999 he cancelled his "good til cancelled" sell order. Claimant asserted that he subsequently received two confirmations, one canceling his "good til cancelled" order to sell MEAS shares and the other confirming sale of MEAS shares. Claimant sought to recover the greater of the following: 1) the value of the 1500 shares of MEAS at the close of trading immediately preceding the issuance of the arbitrator's award, or 2) the value of the 1500 shares of MEAS at the close of trading on April 14, 1999, the filing date of the Statement of Claim.

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim and maintained that Claimant's "good til cancelled" sell order for 1500 shares of MEAS was filled before his instruction to cancel the order could be processed; therefore, the shares were sold. Respondent also asserted the following affirmative defenses: that Claimant is barred from recovery of any alleged damages for failure to act with due diligence to mitigate his claimed damages; and that

Claimant should not be permitted to recover the best price for the shares since January 7, 1999 as it was Claimant's decision to watch the price of the shares increase.

### **RELIEF REQUESTED**

Claimant requested:

Compensatory Damages	\$ 28,875.00
Attorneys' Fees	For an amount to be determined by the Arbitrator
Other Costs	For an amount to be determined by the Arbitrator

Respondent requested that Claimant not be permitted to recover from the best price of the shares since January 7, 1999 and that Claimant bear the costs of Mr. Delagrammatikas travel to the hearing.

### **AWARD**

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

1. That Respondent is liable to and shall pay to Claimant the sum of \$22,500.00; exclusive of interest.
2. That Respondent's request that Claimant bear the costs for Mr. Harry Delagrammatikas' travel and related costs for attending the hearing as a witness is denied.
3. That the parties are to bear their own costs and expenses, including attorney's fees, except as Fees are specifically address below.
4. That any and all relief not specifically addressed herein 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	= \$ 150.00
--------------------------	-------------

#### **Member Fees**

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

Member surcharge	= \$ 600.00
Pre-hearing process fee	= \$ 600.00

Hearing process fee = \$ 1,000.00

**Adjournment Fees**

Adjournments requested during these proceedings: -- 0 --

**Forum Fees and Assessments**

The Arbitrator assessed forum fees for each hearing session conducted. A hearing session is any meeting between the parties and the Arbitrator. Fees associated with these proceedings are:

1	Pre-hearing session with Arbitrator x \$450.00	= \$ 450.00
	Pre-hearing conference: November 15, 1999 1 session	
1	Hearing sessions x \$450.00	= \$ 450.00
	Hearing Date: March 6, 2000 1 session	
TOTAL FORUM FEES		= \$ 900.00

1. The Arbitrator assessed \$450.00 of the forum fees to Claimant.
2. The Arbitrator assessed \$450.00 of the forum fees to Respondent.

**Fee Summary**

Claimant is solely liable for:

Initial Filing Fee	= \$ 150.00
<u>Forum Fees</u>	= \$ 450.00
Total Fees	= \$ 600.00
<u>Less payments</u>	= \$ 600.00
Balance Due NASD Regulation, Inc.	= \$ 0.00

Respondent is solely liable for:

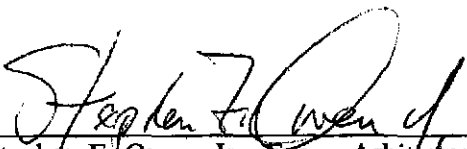
Member Fees	= \$ 2,200.00
<u>Forum Fees</u>	= \$ 450.00
Total Fees	= \$ 2,650.00
<u>Less payments</u>	= \$ 2,200.00
Balance Due NASD Regulation, Inc.	= \$ 450.00

All balances are due and payable to NASD Regulation, Inc.

DATE AWARD SIGNED:

APRIL 7, 2000

Arbitrator's Signature

  
Stephen F. Owen, Jr., Esq. - Arbitrator

Date Award served by NASD Regulation:

4/10/2000