

**IN ARBITRATION  
UNDER CHAPTER XVIII OF THE RULES  
OF THE CHICAGO BOARD OPTIONS EXCHANGE, INCORPORATED**

_____	)	
In The Matter Of	)	
	)	
John Schulten,	)	
	)	
Claimant,	)	DECISION
	)	
v.	)	File No. 95NM08
	)	
Fidelity Investments,	)	
	)	
Respondent.	)	
_____	)	

**Representation**

For Claimant(s):       Pro Se  
For Respondent(s):     Suzanne R. Michaud, Esq., Fidelity Investments

**Pleadings**

Statement of Claim and Submission Agreement, filed on or about:       July 20, 1995  
Answer and Submission Agreement, filed on or about:     August 29, 1995  
Addendum to Answer, filed on or about:                 September 1, 1995.

**Hearing**

Pursuant to Chicago Board Options Exchange (Exchange") Rule 18.4, Simplified Arbitration, the claim was decided by a single public arbitrator knowledgeable in the securities industry solely upon the pleadings and evidence filed by the parties. The named parties had full opportunity to present written arguments and evidence for consideration by the agreed upon public arbitrator.

**Summary of Issues**

The dispute, claim or controversy involves Jackpot call options. John Schulten ("Claimant"), a public customer, alleges that on June 16, 1995, he placed an order by telephone with Fidelity Investments ("Respondent") to buy 46 Jackpot December 10 call options at 1/8 "all or none". Claimant further alleges that prior to execution of the order, he verbally canceled the order and that the cancellation was acknowledged by Respondent's salesman. Claimant asserts that Respondent erroneously executed the canceled order. Claimant requests an award against Respondent in the amount of \$687.75 in compensatory damage, plus arbitration costs in the amount of \$30.00.

**Award\***

After due deliberation and consideration of the pleadings, documentary evidence, and other submissions of the parties, the undersigned arbitrator, in full and final settlement of the matter in controversy, awards as follows:

The claimant's claim is denied in full.

**Forum Fees**

Pursuant to CBOE Rule 18.33, the undersigned arbitrator assesses forum fees in the total amount of \$30.00 (which represents a \$15.00 non-refundable filing fee, plus a \$15.00 forum fee for simplified arbitration) as follows:

1. The Respondent shall pay the forum fees in full. Therefore, Respondent is responsible for and shall pay to Claimant the amount of \$30.00.
2. The Exchange shall retain the non-refundable filing fee in the amount of \$15.00 and the hearing session deposit in the amount of \$15.00 previously submitted by Claimant.

/s/ Dennis A. Bell  
Dennis A. Bell, Public Arbitrator

12/21/95  
Date

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\* Pursuant to CBOE Rule 18.31, all monetary awards shall be paid within thirty (30) days of receipt unless a motion to vacate has been filed with a court of competent jurisdiction.