

**NASD DISPUTE RESOLUTION AWARD**  
**NASD DISPUTE RESOLUTION, INC.**

CASE: 00-00429

Joseph A. Modica, claimant vs. Morgan Stanley Dean Witter f/k/a Discover Brokerage, respondent.

---

**ATTORNEYS:**

Claimant Joseph Modica appeared Pro Se, Naples, FL.

For Respondent Morgan Stanley Dean Witter f/k/a Discover Brokerage appeared, in house counsel, Judith M. Rosenberg Esq., San Francisco, CA

---

**DATE FILED:** February 1, 2000

---

**CASE SUMMARY:** Claimant alleged his 400 shares of Trend Micro stock (TMIC) split 3 for 1 so he placed an order on-line to sell the 1200 shares which he believed he owned. Claimant further alleged that after the computer reflected an error he called the trading desk, a trader confirmed the stock split and placed the order to sell 1200 shares of TMIC. Claimant contended that he incurred financial loss when respondent repurchased 800 shares of the stock to cover the short position.

---

**Claim Data**

**Award Data**

Claim: \$11,300.00

Award: \$.00

---

**AWARD:** The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) The claims of claimant are dismissed in their entirety. 2) All other relief requests are denied. 3) The \$425.00 filing fee previously deposited with NASD Dispute Resolution, Inc. by the claimant, shall be retained by NASD Dispute Resolution, Inc.

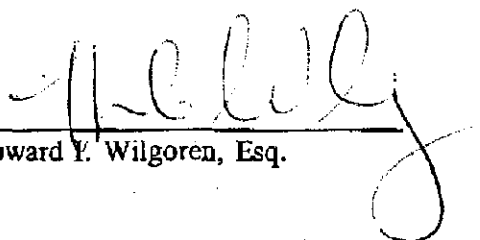
---

**OTHER FEES:** Pursuant to Rule 10333 of the Code, respondent has paid to NASD Dispute Resolution, Inc. the \$400.00 Member Surcharge previously invoiced.

Page Two  
Award 00-00429

AFFIRMATION

I, Howard I. Wilgoren, Esq., do hereby affirm, upon my oath as arbitrator that I am the individual described herein who executed this instrument, which is my oath and award.

  
Howard I. Wilgoren, Esq.

August 29, 2000  
Date of award