

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION, INC.

CASE: 00-03290

Nicassio Family Trust, claimant vs. Fidelity Brokerage Services, Inc., respondent.

ATTORNEYS:

Claimant appeared Pro Se through Michael Nicassio and Kathleen Nicassio, Trustees, Santa Barbara, CA.

For Respondent appeared Gail A. Marshall-Smith, Esq., of the firm Bingham Dana, Boston, MA.

DATE FILED: August 2, 2000

CASE SUMMARY: Claimant alleged respondent failed to sell 500 shares of AUTHORISZOR, INC. at the price requested causing a loss in claimant's account.

ARBITRATOR'S REPORT: Fidelity failed to show that Nicassio's order could not be executed sometime after the market's absorption of Herzog's prior order that is presumed to require the same or similar communications as Nicassio's order. On the evidence before me, I find that the market had absorbed 10,900 shares by 1419 on 2/11/00 and there were subsequent sales of 500 or more shares of Authoriszor, Inc. entitling claimant to damages for late execution.

Claim Data

Claim: \$3,375.00
Punitive: \$500.00
Interest: \$135.90

Filing Fees: \$295.00
Other: \$15.25

Award Data

Award: \$2,187.50
Punitive: \$.00
Interest: at 6% per annum from
2/16/00 to date of payment
Filing Fees: \$175.00
Other: \$.00

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) Respondent is liable and shall pay to the claimant \$2,187.50. 2) Respondent is liable and shall pay to the claimant interest at the rate of 6% per annum from 2/16/00 to date of payment. 3) All requests for punitive damages are denied. 4) All other relief requests are denied. 5) The \$175.00 filing fee previously deposited with NASD Dispute Resolution, Inc. by the claimant, shall be retained by NASD Dispute Resolution, Inc. 6) Respondent is liable and shall pay claimant \$175.00 as reimbursement of the filing fee.

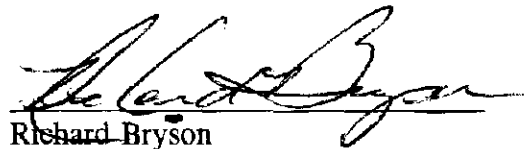
OTHER FEES: Pursuant to Rule 10333 of the Code, respondent has paid to NASD Dispute Resolution, Inc. the \$200.00 Member Surcharge previously invoiced.

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OTHER ISSUES: The arbitrator denied respondent's Motion to Dismiss.

AFFIRMATION

I, Richard Bryson, 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.


Richard Bryson

February 20, 2001
Date of award