

**Award**  
**NASD Dispute Resolution, Inc.**

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In the Matter of the Arbitration Between:

Kelechi Osuji, (Claimant) v. E\*Trade Group, Inc., (Respondent)

Case Number: 00-03471

Hearing Site: Chicago, Illinois

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**REPRESENTATION OF PARTIES**

Claimant Kelechi Osuji ("Osuji"): Ubi O. O'Neal, Esq. of the firm Ubi O. O'Neal & Associates located in Chicago, Illinois.

Respondent E\*Trade Group, Inc. ("E\*Trade"): Eric Bronson, Esq. of the firm Bird, Marella, Boxer, & Wolpert located in Los Angeles, California.

**CASE INFORMATION**

Statement of Claim filed on or about: August 11, 2000

Claimant Osuji signed the Uniform Submission Agreement: July 03, 2000

Statement of Answer filed by Respondent E\*Trade on or about: February 06, 2001

Respondent E\*Trade signed the Uniform Submission Agreement: December 19, 2000

**CASE SUMMARY**

Claimant Kelechi Osuji asserted the following causes of action: Fraud, Misrepresentation, Deceptive Practices, Breach of Contract, and Breach of Fiduciary Duty.

The causes of action relate to the Claimant Osuji's Cash and Margin accounts with E\*Trade.

Unless specifically admitted in its Answer, Respondents E\*Trade Group, Inc. denied the allegations made in the Statement of Claim and asserted the following defenses: Assumption of Risk, Contributory and/or Comparative Negligence, Failure to Mitigate, and Estoppel.

**RELIEF REQUESTED**

Claimant Kelechi Osuji requested:

Compensatory Damages	\$ 46,000.00
Punitive Damages	\$500,000.00
Contract Damages	\$100,000.00
Interest	not specified
Attorneys' Fees	\$ 15,000.00
Other Costs	not specified
Other Monetary/Non-Monetary Relief if any:	as panel deems just

Respondent E\*Trade Group, Inc. requested:

Attorneys' Fees	unspecified
Other Costs	unspecified
Other Monetary/Non-Monetary Relief if any:	dismissal of claims and any relief deemed just and appropriate

**AWARD**

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

1. Respondent E\*Trade Group, Inc. is solely liable to Claimant Kelechi Osuji in the amount of \$15,000.00 as compensatory damages.
2. Parties shall bear their own costs, including attorney's fees.
3. Any and all relief not specifically addressed herein is denied.

**FEES**

Pursuant to the Code, the following fees are assessed:

**Filing Fees**

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

Initial claim filing fee	= \$375.00
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### **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
<u>Hearing process fee</u>	<u>= \$3,500.00</u>
Total Member Fees	= \$6,100.00

### **Forum Fees and Assessments**

The panel has the authority to assess 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 \$1,200.00	= \$1,200.00
Pre-hearing conference:      October 09, 2001      1 session	
Three (3) Hearing sessions x \$1,200.00	= \$3,600.00
<u>Hearing Dates:      February 06, 2002      3 sessions</u>	<u>= \$4,800.00</u>
Total Forum Fees	= \$4,800.00

1. The panel has assessed \$2,400.00 of the forum fees to Claimant Kelechi Osuji.
2. The panel has assessed \$2,400.00 of the forum fees to Respondent E\*Trade Group, Inc.

### **Fee Summary**

1. Claimant Kelechi Osuji is solely liable for:

Initial Filing Fee	= \$ 375.00
<u>Forum Fees</u>	<u>= \$ 2,400.00</u>
Total Fees	= \$ 2,775.00
<u>Less credits</u>	<u>= \$ 375.00</u>
Balance Due NASD Dispute Resolution, Inc.	= \$ 2,400.00

2. Respondent E\*Trade Group, Inc. is solely liable for:

Member Fees	= \$ 6,100.00
<u>Forum Fees</u>	<u>= \$ 2,400.00</u>
Total Fees	= \$ 8,500.00
<u>Less payments</u>	<u>= \$ 1,400.00</u>
Balance Due NASD Dispute Resolution, Inc.	= \$ 7,100.00

All balances are due to NASD Dispute Resolution, Inc.

**ARBITRATION PANEL**

Gregory Gocek	-	Public Arbitrator, Presiding Chair
Michael S. MaRous	-	Public Arbitrator
Brian E. Slotky	-	Non-Public Arbitrator

**Concurring Arbitrators' Signatures**

/s/ Gregory G. Gocek

02/07/02

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Gregory Gocek  
Public Arbitrator, Presiding Chair

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Signature Date

/s/ Michael S. MaRous

02/07/02

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Michael S. MaRous  
Public Arbitrator

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Signature Date

/s/ Brian E. Slotky

02/08/02

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Brian E. Slotky  
Non-Public Arbitrator

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Signature Date

02/12/02

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Date of Service (For NASD-Dispute Resolution office use only)

NASD Dispute Resolution, Inc.  
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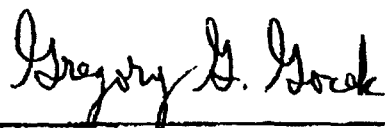
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Public Arbitrator, Presiding Chair

2-7-02

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