

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION, INC.

CASE: 00-04115

Michael Luther, claimant vs. Datek Online Brokerage Services, LLC, Jarrath Shaw, Jose Delvalle, and John Reavey, respondents.

ATTORNEYS:

Claimant Michael Luther ("Claimant") appeared Pro Se, Columbia, MD.

For Respondents Datek Online Brokerage Services, LLC, Jarrath Shaw, Jose Delvalle, and John Reavey ("Respondents") appeared G. Thomas Fleming, III, Esq., of Jones, Bell, Abbott, Fleming, & Fitzgerald, LLP, Los Angeles, CA.

DATE FILED: September 20, 2000

CASE SUMMARY: Claimant alleged that respondents failed to execute his order for 24,000 shares of EndoSonics at the "best available price". Due to respondents' actions, claimant suffered losses.

Claim Data

Claim: \$7,681.21
Punitive: \$11,495.36
Attorney Fees: \$750.00
Other: unspecified
Filing Fees: unspecified

Award Data

Award: \$.00
Punitive: \$.00
Attorney Fees: \$.00
Other: \$.00
Filing Fees: \$0.00

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 requests for attorney fees are denied. 3) All requests for punitive damages are denied. 4) All other relief requests are denied. 5) The arbitrator recommends the expungement of all reference to the above captioned arbitration from Respondent Jarrath Shaw's, Jose Delvalle's, and John Reavey's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notice to Members 99-09, Respondents Jarrath Shaw, Jose Delvalle, and John Reavey must obtain confirmation from a **court** of competent jurisdiction before the CRD will execute the expungement directive. 6) The **\$429.00** 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 Datek Online Brokerage Services, LLC has paid to NASD Dispute Resolution, Inc. the **\$400.00** Member Surcharge previously invoiced.

OTHER ISSUES: Motion to dismiss all claims against individual Respondents **and** expunge all references **from** each individual respondents' CRD record granted.

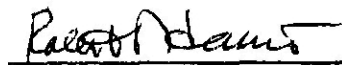
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Award 00-04115

Robert O. Harris, Esq.

Sole Public Arbitrator

AFFIRMATION

I, Robert O. ~~Harris~~, 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.



Robert O. Harris, Esq.



Signature Date

July 12, 2001

Date of Service (For NASD office use only)