

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

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In the Matter of the Arbitration Between:  
Ameritrade, Inc., Claimant v. Sam Murad, Respondent

Case Number: 00-04734

Hearing Site: Los Angeles, California

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**REPRESENTATION OF PARTIES**

For Claimant:

James J. Vihstadt  
Ameritrade, Inc.  
Bellevue, Nebraska

For Respondent:

Sam Murad  
In Pro Per  
Aliso Viejo, California

**CASE INFORMATION**

Statement of Claim filed: October 19, 2000

Claimant's Uniform Submission Agreement signed: October 19, 2000

Statement of Answer filed by Respondent Sam Murad: None Filed

Respondent Sam Murad's Uniform Submission Agreement signed: None Filed

**CASE SUMMARY**

Claimant Ameritrade, Inc. alleged breach of contract when Respondent Sam Murad failed to maintain an adequate margin on his trading account; the allegation arose out of Respondent Sam Murad's purchase of KRY stock.

**RELIEF REQUESTED**

Claimant requested damages of \$61,930.94, interest, and arbitration costs.

**OTHER ISSUES CONSIDERED AND DECIDED**

Upon review of the file and the representations made on behalf of the Claimant, the undersigned Panel determined that Respondent Sam Murad was properly served with the Statement of Claim

and received due notice of the hearing, and that arbitration of the matter would proceed without said Respondent present, in accordance with the NASD Code of Arbitration Procedure (Code).

Respondent Sam Murad did not file with the NASD Dispute Resolution, Inc. a properly executed submission agreement but is required to submit to arbitration pursuant to the Code and is bound by the determination of the Panel on all issues submitted.

The parties agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered.

### **AWARD**

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

- 1) Respondent Sam Murad is liable to and shall pay Claimant Ameritrade, Inc. \$61,930.94 in damages.
- 2) Respondent Sam Murad is liable to and shall pay Claimant Ameritrade, Inc. 10 percent simple interest per annum on \$61,930.94 from November 20, 2001 until paid in full.
- 3) Each party shall bear its own costs, including attorney's fees.
- 4) All other relief requested and not expressly granted is denied.

### **FEES**

Pursuant to the Code, the following fees are assessed:

#### **Filing Fees**

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

Initial claim filing fee	= \$ 1,000.00
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#### **Member Fees**

Member fees are assessed to each member firm that is either a party in the matter or an employer of a respondent associated person at the time of the events which gave rise to the dispute, claim, or controversy. Accordingly, the member firm Ameritrade, Inc. is a party and the following fees are assessed:

Member Surcharge	= \$ 1,000.00
Pre-Hearing Process Fee	= \$ 600.00
<u>Hearing Process Fee</u>	= \$ 1,500.00
<b>Total Member Fees</b>	<b>= \$ 3,100.00</b>

**Forum Fees and Assessments**

The Arbitrator/Panel assessed a forum fee for each pre-hearing conference or hearing session conducted. A pre-hearing conference and hearing session is any meeting between the parties and the Chair/Panel. The following fees are assessed:

1 Pre-hearing conference session with the Panel @ \$750.00/session = \$ 750.00  
Pre-hearing conference: July 30, 2001 1 session

1 Hearing session @ \$750.00/session = \$ 750.00  
Hearing: November 20, 2001 1 session

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**Total Forum Fees = \$ 1,500.00**

1. The Panel assessed \$1,500.00 of the forum fees to Respondent Sam Murad.

**Fee Summary**

1. Claimant, Ameritrade, Inc., is charged with the following fees and costs:

Initial Filing Fee	= \$ 1,000.00
Member Fees	= \$ 3,100.00
Total Fees	= \$ 4,100.00
Less payments	= \$(4350.00)
Refund to Claimant	= \$ (250.00)

2. Respondent, Sam Murad, is charged with the following fees and costs:

Forum Fees	= \$ 1,500.00
Total Fees	= \$ 1,500.00
Less payments	= \$ (0.00)
Balance Due NASD Dispute Resolution, Inc.	= \$ 1,500.00

All balances are payable to NASD Dispute Resolution, Inc. and are due upon the receipt of the Award pursuant to Rule 10330(g) of the Code.

**ARBITRATION PANEL**

James M. Gansinger, Esq.	-	Presiding Chair, Public Arbitrator
Alvin S. Milder, Esq.	-	Public Arbitrator
Roberta Haft	-	Non-Public Arbitrator

**Concurring Arbitrators' Signatures**

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James M. Gansinger, Esq.  
Chair, Public Arbitrator

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Signature Date

  
\_\_\_\_\_  
Alvin S. Milder, Esq.  
Public Arbitrator

1/11/02  
\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Roberta Haft  
Non-Public Arbitrator

\_\_\_\_\_  
Signature Date

1/14/02  
\_\_\_\_\_  
Date of Service

**ARBITRATION PANEL**

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Alvin S. Milder, Esq.	-	Public Arbitrator
Roberta Haft	-	Non-Public Arbitrator

**Concurring Arbitrators' Signatures**

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James M. Gansinger, Esq.  
Chair, Public Arbitrator

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Signature Date

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Alvin S. Milder, Esq.  
Public Arbitrator

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Signature Date

  
Roberta Haft  
Non-Public Arbitrator

  
Signature Date

  
Date of Service