

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between:

Joseph W. Murzyn, (Claimant) v. First Union Securities f/k/a Everen Securities and William Bransky, (Respondents)

Case Number: 01-01038

Hearing Site: Chicago, Illinois

REPRESENTATION OF PARTIES

Claimant Joseph W. Murzyn ("Murzyn"): Thomas C. O'Donnell, Esq. with offices located in Highland, Indiana.

Respondents First Union Securities f/k/a Everen Securities ("First Union") and William Bransky ("Bransky") hereinafter collectively referred to as "Respondents": Bruce Lewitas, Esq. of the firm Bruce Lewitas & Associates located in Chicago, Illinois.

CASE INFORMATION

Statement of Claim filed on or about: March 01, 2001.

Claimant Murzyn signed the Uniform Submission Agreement: March 30, 2001.

Statement of Answer filed by Respondent First Union on or about: May 07, 2001.

Respondent First Union signed the Uniform Submission Agreement: July 02, 2001.

Statement of Answer filed by Respondent Bransky on or about: May 07, 2001.

Respondent Bransky signed the Uniform Submission Agreement: June 25, 2001.

CASE SUMMARY

Claimant Joseph W. Murzyn asserted the following causes of action: Failure to execute limit order versus market order.

The causes of action relate to the order execution of the XMCM stock.

Unless specifically admitted in their Answer, Respondents William Bransky and First Union Securities f/k/a Everen Securities denied the allegations made in the Statement of Claim and asserted the following defenses: Assumption of Risk; Contributory and/or

Comparative Negligence; Laches; Waiver; Estoppel; and any damages, if any, were caused by market forces beyond the control of Respondents.

RELIEF REQUESTED

Claimant Murzyn requested:

Compensatory Damages	\$50,000.00
Attorneys' Fees	unspecified
Other Costs	unspecified
Other Monetary/Non-Monetary Relief if any:	just and equitable relief

Respondents requested:

Other Monetary/Non-Monetary Relief if any:	Dismissal of Claims
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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. Any and all claims asserted by Claimant Joseph Murzyn against Respondents First Union Securities f/k/a Everen Securities and William Bransky are denied in their entirety.
2. Parties are to 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	= \$175.00
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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	= \$ 800.00
Pre-hearing process fee	= \$ 600.00
<u>Hearing process fee</u>	<u>= \$1,000.00</u>
Total Member Fees	= \$2,400.00

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 \$600.00	= \$ 600.00
Pre-hearing conference: November 15, 2001 1 session	
Two (2) Hearing sessions x \$600.00	= \$1,200.00
Hearing Date: April 11, 2002 2 sessions	
Total Forum Fees	= \$1,800.00

1. The panel has assessed \$600.00 of the forum fees to Claimant Joseph Murzyn.
2. The panel has assessed \$600.00 of the forum fees to Respondent First Union Securities f/k/a Everen Securities.
3. The panel has assessed \$600.00 of the forum fees to Respondent William Bransky.

Fee Summary

1. Claimant Joseph W. Murzyn solely liable for:

Initial Filing Fee	= \$ 175.00
Forum Fees	= \$ 600.00
Total Fees	= \$ 775.00
Less payments	= \$ 775.00
Balance Due NASD Dispute Resolution, Inc.	= \$ 0.00
2. Respondent First Union Securities f/k/a Everen Securities is solely liable for:

Member Fees	= \$ 2,400.00
Forum Fees	= \$ 600.00
Total Fees	= \$ 3,000.00
Less payments	= \$ 2,400.00
Balance Due NASD Dispute Resolution, Inc.	= \$ 600.00
3. Respondents William Bransky is solely liable for:

Forum Fee	= \$ 600.00
Balance Due NASD Dispute Resolution, Inc.	= \$ 600.00

All balances are due to NASD Dispute Resolution, Inc.

ARBITRATION PANEL

Prof. Linda R. Crane	-	Public Arbitrator, Presiding Chair
James M. Casey	-	Public Arbitrator
Victor Elting, III, Esq.	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

/s/ Linda R. Crane

05/06/02

Prof. Linda R. Crane
Public Arbitrator, Presiding Chair

Signature Date

/s/ James M. Casey

05/02/02

James M. Casey
Public Arbitrator

Signature Date

/s/ Victor Elting, III

05/02/02

Victor Elting, III, Esq.
Non-Public Arbitrator

Signature Date

05/14/02

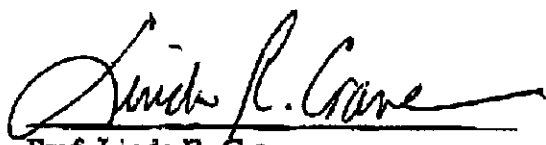
Date of Service (For NASD-Dispute Resolution office use only)

NASD Dispute Resolution, Inc.
Arbitration Case #: 01-01038
Page 4 of 4

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Prof. Linda R. Crane
Public Arbitrator, Presiding Chair

5/6/02

Signature Date

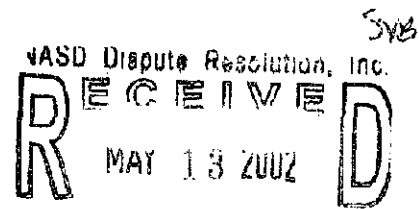
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Public Arbitrator

Signature Date

Victor Elting, III, Esq.
Non-Public Arbitrator

Signature Date

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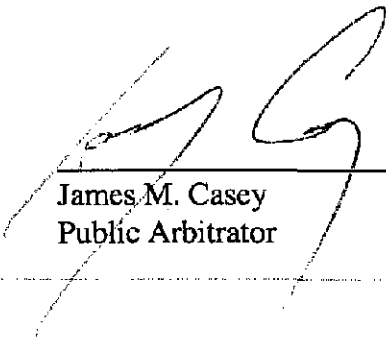
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Public Arbitrator, Presiding Chair

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Public Arbitrator



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Page 4 of 4

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Public Arbitrator
Non-Public Arbitrator

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Public Arbitrator, Presiding Chair

Signature Date

James M. Casey
Public Arbitrator

Signature Date

Victor Elting, III, Esq.
Non-Public Arbitrator

5/2/02
Signature Date

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