

NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between

Name of Claimant

Harold Hudson Henley

and

01-01385
Dallas, Texas

Name of Respondents

Ameritrade, Inc. and Caroline F. Wyzykowski

REPRESENTATION OF PARTIES

Harold Hudson Henley, Esq. ("**Claimant**") represented himself. His law practice is located in Dallas, Texas.

Ameritrade Inc. and Caroline F. Wyzykowski ("**Respondents**") were represented by Robert P. Oliver, Kessler & Collins, P.C., Dallas, Texas.

CASE INFORMATION

The Statement of Claim was filed on or about March 20, 2001. Submission Agreement of Claimant Harold Hudson Henley was signed on March 22, 2001.

Joint Statement of Answer was filed by Respondents Ameritrade, Inc. and Caroline F. Wyzykowski on or about June 18, 2001. Submission Agreement of Respondent Ameritrade, Inc. was signed on April, 3 2001. Submission Agreement of Respondent Caroline F. Wyzykowski was signed on April 3, 2001.

CASE SUMMARY

Claimant alleged that he was a customer of Respondent Ameritrade, Inc. on January 19, 2000 when he attempted to enter a short position with a number of shares of Geoworks ("GWRX"). Claimant alleges over a period of time, he tried to execute the trade via computer and telephone. He asserts that failure of Ameritrade's system precluded him from executing the trade causing him to lose

money. He asserts causes of action including the breach of contract, false, misleading and deceptive advertising, negligence.

Respondents denied the allegations set forth in the Statement of Claim. Respondents specifically stated that any losses in Claimant's account were due to fluctuations in the market beyond their control.

RELIEF REQUESTED

Claimant requested an award in the amount of approximately \$8,000 in compensatory damages, interest, attorney's fees and for such other relief as the Arbitrator might find appropriate.

Respondents requested that the claims asserted against them be dismissed and denied in its entirety and that they be awarded their costs and attorneys' fees.

OTHER ISSUES CONSIDERED & DECIDED

The parties have agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered. In either case, the parties have agreed to receive conformed copies of the award while the original(s) remain on file with the NASD Dispute Resolution, Inc. (the "NASD").

AWARD

After considering the pleadings, the testimony, and the evidence presented at the hearing and the post-hearing submissions, if any, the undersigned arbitrators have decided in full and final resolution of the issues submitted for determination as follows:

1. That any and all of Claimant Harold Hudson Henley requests for relief against Ameritrade, Inc. and Caroline F. Wyzykowski are hereby denied in their entirety;
2. That to the extent not specifically awarded or otherwise provided for above, all other claims and requests for relief by any party hereto are denied with prejudice.
3. Other than the Forum Fees noted below, the parties shall each bear all other costs and expenses incurred by them in connection with this proceeding, including but not limited to attorneys fees.

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 = \$75.00

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 Ameritrade, Inc.

Member surcharge = \$300.00

Forum Fees and Assessments

The Arbitration Panel assesses 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:

Number (2) Pre-hearing sessions with a single arbitrator x \$250.00	= \$500.00
Pre-hearing conferences: July 25, 2001 1 session	
October 8, 2001 1 session	
One (1) Hearing sessions x \$250.00	= \$250.00
Hearing Date(s): October 25, 2001 <u>1 session</u>	
Total Forum Fees	= \$750.00

The Arbitration Panel has assessed \$250.00 of the forum fees to Harold Hudson Henley.
The Arbitration Panel has assessed \$500.00 of the forum fees to Ameritrade, Inc.

Fee Summary

Claimant, Harold Hudson Henley, shall be and hereby is liable for:

Initial Filing Fee	= \$ 75.00
<u>Forum Fees</u>	= \$ 250.00
Total Fees	= \$ 325.00
<u>Less payments</u>	= \$ 325.00

Zero Balance = \$ 00.00

Respondent, Ameritrade, Inc., shall be and hereby is liable for:

Forum Fee	= \$ 500.00
<u>Member Fees</u>	<u>= \$ 300.00</u>
Total Fees	= \$ 800.00
<u>Less payments</u>	<u>= \$900.00</u>
Refund Due Ameritrade, Inc.	= \$ 100.00

All balances are due to NASD Dispute Resolution, Inc.

ARBITRATION PANEL

George Andrew Platt – Public Arbitrator, Presiding Chair

Single Arbitrator:

George Andrew Platt
Public Arbitrator, Presiding Chair

Signature Date

NASD Dispute Resolution, Inc.
Arbitration No. 01-01383
Award Page 4 of 4

Zero Balance = \$ 00.00

Respondent, Ameritrade, Inc., shall be and hereby is liable for:

Forum Fee	= \$ 500.00
<u>Member Fees</u>	<u>= \$ 300.00</u>
Total Fees	= \$ 800.00
<u>Less payments</u>	<u>= \$900.00</u>
Refund Due Ameritrade, Inc.	= \$ 100.00

All balances are due to NASD Dispute Resolution, Inc.

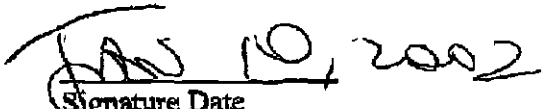
ARBITRATION PANEL

George Andrew Platt — Public Arbitrator, Presiding Chair

Single Arbitrator:



George Andrew Platt
Public Arbitrator, Presiding Chair



Signature Date