

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between

Name of the Claimant
James M. McEntyre, IRA

Case Number: 01-01534

Name of the Respondent
E*Trade Securities, Inc.

Hearing Site: Tampa, Florida

REPRESENTATION OF PARTIES

For James M. McEntyre, IRA, hereinafter referred to as "Claimant": James M. McEntyre, Sarasota, FL.

For E*Trade Securities, Inc., hereinafter referred to as "Respondent": James W. Deacon, Esq. of Kelly Drye & Warren, L.L.P., Washington, D.C.

CASE INFORMATION

Statement of Claim filed on or about: March 27, 2001.

Claimant signed the Uniform Submission Agreement: April 9, 2001.

Statement of Answer filed by Respondent on or about: May 18, 2001.

Respondent signed the Uniform Submission Agreement: April 25, 2001.

Respondent's Motion to Dismiss ("Motion to Dismiss") filed on or about: November 05, 2001.

Claimant's Response to the Motion to Dismiss filed on or about: November 08, 2001.

Respondent's Motion to Dismiss ("Second Motion to Dismiss") filed on or about: December 11, 2001.

CASE SUMMARY

Claimant asserted that Respondent failed to have Claimant's stock certificate representing 3300 shares of Alliance Capital Management reissued pursuant to Claimant's instructions.

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim and asserted that Respondent could not verify that Claimant delivered the stock certificate to Respondent.

RELIEF REQUESTED

Claimant requested compensatory damages of \$4,000.00, punitive damages of \$1,000.00, and/or reissuance of Claimant's stock certificate plus reimbursement of costs.

Respondent requested dismissal of the Statement of Claim.

OTHER ISSUES CONSIDERED AND DECIDED

On or about October 11, 2001, pursuant to Rule 10321(e) of the NASD Code of Arbitration Procedure (the "Code"), Arbitrator Nodine issued an order (the "Order") which compelled Claimant to produce to Respondent some, but not all, of the documents Respondent requested from Claimant.

On or about November 13, 2001, Arbitrator Nodine issued an order in response to Respondent's Motion to Dismiss which stated, in pertinent part, that "In the event that the Claimant should fail to comply with [the Order], his Complaint will be deemed dismissed with prejudice."

On or about January 2, 2002, Arbitrator Nodine issued an order in response to Respondent's Second Motion to Dismiss which dismissed Claimant's Statement of Claim, with prejudice for failure to comply with Arbitrator Nodine's orders.

AWARD

After considering the pleadings, Respondent's motions to dismiss and Claimant's response thereto, the undersigned arbitrator (the "Arbitrator") has decided in full and final resolution of the issues submitted for determination as follows:

1. Pursuant to Rule 10305(b) of the Code, Claimant's Statement of Claim is dismissed, with prejudice, because of Claimant's willful and intentional material failure to comply with the Arbitrator's discovery orders.
2. Each party shall bear its own costs, including attorneys' fees.
3. Any and all relief not specifically addressed herein, including Claimant's request for punitive damages, is denied.

FEES

Pursuant to the NASD Code of Arbitration Procedure (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	= \$50.00
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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(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. In this matter, the member firm is a party.

Member surcharge = \$200.00

Adjournment Fees

Adjournments requested during these proceedings:

October 23, 2001, adjournment by Respondent = adjournment fee waived by the Arbitrator

Injunctive Relief Fees

Injunctive relief fees are assessed to each member or associated person who files for a temporary injunction in court. Parties in these cases are also assessed arbitrator travel expenses and costs when an arbitrator is required to travel outside his or her hearing location and additional arbitrator honoraria for the hearing for permanent injunction. These fees, except the injunctive relief surcharge, are assessed equally against each party unless otherwise directed by the Panel.

No injunctive relief fees were incurred in this matter.

Forum Fees and Assessments

The Arbitrator (Panel) has assessed forum fees for each session conducted. A session is any meeting between the parties and the arbitrator(s), including a pre-hearing conference with the arbitrator(s), that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with a single arbitrator @ \$125.00 = \$125.00
Pre-hearing conference: August 27, 2001 1 session

Total Forum Fees = \$125.00

1. The Arbitrator has assessed the total forum fees of \$125.00 to Claimant.

Administrative Costs

Administrative costs are expenses incurred due to a request by a party for special services beyond the normal administrative services. These include, but are not limited to, additional copies of arbitrator awards, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

No administrative costs were incurred in this matter.

FEE SUMMARY

1. Claimant is solely liable for:

Initial Filing Fee = \$50.00
Forum Fees = \$125.00

Total Fees = \$175.00
Less payments = \$175.00

Balance Due NASD Dispute Resolution, Inc. = \$0.00

2. Respondent is solely liable for:

Member Fees = \$200.00

Total Fees = \$200.00

Less payments = \$200.00

Balance Due NASD Dispute Resolution, Inc.	= \$0.00
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All balances are payable to NASD Dispute Resolution, Inc. and are due upon receipt pursuant to Rule 10330(g) of the Code.

ARBITRATOR

William E. Nodine, Esq.

Public Arbitrator, Presiding Chair

Arbitrator's Signature

/s/

William E. Nodine, Esq.
Public Arbitrator, Presiding Chair

Signature Date

May 16, 2002

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

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Balance Due NASD Dispute Resolution, Inc.	= \$0.00
2. Respondent is solely liable for:	
Member Fees	= \$200.00
<hr/> Total Fees	= \$200.00
Less payments	= \$200.00
<hr/> Balance Due NASD Dispute Resolution, Inc.	= \$0.00

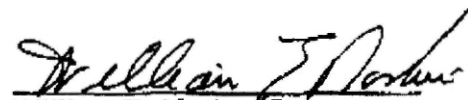
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ARBITRATOR

William E. Nodine, Esq.

Public Arbitrator, Presiding Chair

Arbitrator's Signature



William E. Nodine, Esq.
Public Arbitrator, Presiding Chair

MAY 16, 2002
Signature Date

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