

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between:

Angelo V. DeCaria, (Claimant)

vs.

Ameritrade, Inc., (Respondent)

Case Number: 01-02518

Hearing Site: Pittsburgh, Pennsylvania

REPRESENTATION OF PARTIES

Claimant, Angelo V. DeCaria, hereinafter referred to as "Claimant": Walter G. Bleil, Esq., Goldberg, Kamin & Garvin, Pittsburgh, PA. Previously represented by: Edward Leymarie, Jr., Esq., Cusick & Leymarie, Ellwood City, PA.

Respondent, Ameritrade, Inc., hereinafter referred to as "Respondent": James J. Vihstadt, Esq., Regulatory Manager, Ameritrade, Inc., Bellevue, NE.

CASE INFORMATION

Statement of Claim filed on or about: May 14, 2001.

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

Statement of Answer filed by Respondent on or about: June 28, 2001.

Respondent signed the Uniform Submission Agreement: June 28, 2001.

CASE SUMMARY

Claimant asserted the following causes of action: improper trade execution; wrongful interpretation of an on-line order; and, unnecessary margin call. Claimant's claim involved U.S. Air options.

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim and asserted the following defenses: the Statement of Claim fails to state a claim upon which relief can be granted; the Statement of Claim fails to particularize facts establishing a legal theory under which Respondent could be held liable for the alleged damages; Respondent facilitates customer orders placed through self-managed accounts, and does not

make any recommendations, discretionary investments, or judgements regarding any type of trading strategy employed by account holders; Respondent properly handled Claimant's options account; Claimant has failed to prove his claim for damages; Claimant's own decisions resulted in any losses to the account; and, Respondent acted appropriately in all instances.

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$31,980.00, plus punitive damages in the amount of \$63,980.00, attorneys' fees, costs, and forum fees.

Respondent requested that the Statement of Claim be dismissed, and that all costs be assessed against Claimant.

OTHER ISSUES CONSIDERED AND 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.

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. That Claimant's claims are hereby dismissed in their entirety;
2. That the parties shall bear their respective costs, except as to Fees specifically addressed below; and
3. That any and all claims not specifically addressed herein are denied in their entirety.

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	= \$ 225.00
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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, Ameritrade, Inc. is a party.

Member surcharge	= \$1,000.00
Pre-hearing process fee	= \$ 600.00
Hearing process fee	= \$1,500.00

Forum Fees and Assessments

The 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:

One (1) Pre-hearing session with Panel x \$750.00	= \$ 750.00
Pre-hearing conference: December 17, 2001	1 session
Two (2) Hearing sessions x \$750.00	= \$1,500.00
Hearing Date: March 5, 2002	2 sessions
Total Forum Fees	= \$2,250.00

1. The Panel has assessed \$1,125.00 of the forum fees against Claimant.
2. The Panel has assessed \$1,125.00 of the forum fees against Respondent.

Fee Summary

1. Claimant be and hereby is solely liable for:	
Initial Filing Fee	= \$ 225.00
Forum Fees	= \$1,125.00
Total Fees	= \$1,350.00
Less payments	= \$ 975.00
Balance Due NASD Dispute Resolution, Inc.	= \$ 375.00
2. Respondent be and hereby is solely liable for:	
Member Fees	= \$3,100.00
Forum Fees	= \$1,125.00
Total Fees	= \$4,225.00
Less payments	= \$3,100.00
Balance Due NASD Dispute Resolution, Inc.	= \$1,125.00

All balances are due and payable to NASD Dispute Resolution, Inc.

ARBITRATION PANEL

A. Ralph Ellis, Esq.	-	Public Arbitrator, Presiding Chairman
Howard S. Averbach, Esq.	-	Public Arbitrator, Panelist
Ralph L. Corton, Jr., CFA	-	Non-Public Arbitrator, Panelist

Concurring Arbitrators' Signatures

A. Ralph Ellis
A. Ralph Ellis, Esq.
Public Arbitrator, Presiding Chair

4/4/02
Signature Date

Howard S. Averbach, Esq.
Howard S. Averbach, Esq.
Public Arbitrator, Panelist

Signature Date

Ralph L. Corton, Jr., CFA
Ralph L. Corton, Jr., CFA
Non-Public Arbitrator, Panelist

Signature Date

April 17, 2002
Date of Service (For NASD office use only)


ARBITRATION PANEL

A. Ralph Ellis, Esq.	-	Public Arbitrator, Presiding Chairman
Howard S. Averbach, Esq.	-	Public Arbitrator, Panelist
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Public Arbitrator, Panelist

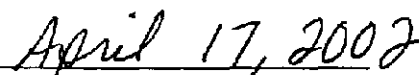
Signature Date



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Non-Public Arbitrator, Panelist



Signature Date



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