

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between:

Ronald Soussa TTEE FBO Ronald Soussa Pension Plan, (Claimant) vs. Ameritrade, Inc.,
(Respondent)

Case Number: 01-03253

Hearing Site: New York, New York

REPRESENTATION OF PARTIES

Claimant Ronald Soussa TTEE FBO Ronald Soussa Pension Plan, hereinafter referred to as "Claimant": Ronald Soussa, Trustee, Parsippany, NJ.

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

CASE INFORMATION

Statement of Claim filed on or about: June 16, 2001.

Claimant signed the Uniform Submission Agreement: June 14, 2001.

Statement of Answer filed by Respondent on or about: August 29, 2001.

Respondent signed the Uniform Submission Agreement: August 29, 2001.

CASE SUMMARY

Claimant asserted the following causes of action: Erroneous order execution and reporting of trade of 4,800 shares of Nortel Network Corporation stock.

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim and asserted the following defenses: Respondent properly handled Claimant's sell limit order; Respondent should not be held liable for damages claimed by Claimant which Claimant either caused himself or could have avoided with reasonable care; Claimant's order was sent to an independent, third-party execution firm that Respondent did not have any control over; Claimant's trade was quickly reinstated, the internet trading site reflected that the order remained open, and the shares were restored to the account; and Claimant's failure to mitigate.

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$194,400.00.

Respondent requested that Claimant's claims be dismissed in their entirety, and that all costs be assessed to 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. Respondent be and is hereby liable for and shall pay to Claimant the sum of \$20,000.00 as compensatory damages, plus interest at the New York State statutory rate accruing from the date of service of this Award until the award is paid
2. All other requests for relief are hereby 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	= \$ 300.00
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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 event giving rise to the dispute. In this matter, Respondent, Ameritrade, Inc., is a party.

Member surcharge	= \$ 1,500.00
Pre-hearing process fee	= \$ 600.00
Hearing process fee	= \$ 2,500.00

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 arbitrator, that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with Panel x \$ 1,125.00	= \$ 1,125.00
Pre-hearing conference: December 17, 2001 1 session	
One (1) Hearing sessions x \$ 1,125.00	= \$ 1,125.00
Hearing Date: April 3, 2002 1 session	
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	= \$ 300.00
<u>Forum Fees</u>	= <u>\$ 1,125.00</u>
Total Fees	= \$ 1,425.00
<u>Less payments</u>	= <u>\$ 1,425.00</u>
Balance Due NASD Dispute Resolution, Inc.	= \$ 0.00

2. Respondent be and hereby is solely liable for:

Member Fees	= \$ 4,600.00
<u>Forum Fees</u>	= <u>\$ 1,125.00</u>
Total Fees	= \$ 5,725.00
<u>Less payments</u>	= <u>\$ 4,600.00</u>
Balance Due NASD Dispute Resolution, Inc.	= \$ 1,125.00


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

ARBITRATION PANEL

Jeffrey G. Sommers	-	Public Arbitrator, Presiding Chair
Eva Lee Lichtenberg, Esq.	-	Public Arbitrator
Chris P. Drucker	-	Industry Arbitrator

Concurring Arbitrators' Signatures

I, the undersigned arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument which is my award.



Jeffrey G. Sommers
Public Arbitrator, Presiding Chair

11th APR '02
Signature Date

Eva Lee Lichtenberg, Esq.
Public Arbitrator

Signature Date

Chris P. Drucker
Industry Arbitrator

Signature Date

April 26, 2002
Date of Service (For NASD office use only)

ARBITRATION PANEL

Jeffrey G. Sommers	-	Public Arbitrator, Presiding Chair
Eva Lee Lichtenberg, Esq.	-	Public Arbitrator
Chris P. Drucker	-	Industry Arbitrator

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Jeffrey G. Sommers
Public Arbitrator, Presiding Chair

Signature Date

Eva Lee Lichtenberg
Eva Lee Lichtenberg, Esq.
Public Arbitrator

4/13/02
Signature Date

Chris P. Drucker
Industry Arbitrator

Signature Date

April 26, 2002
Date of Service (For NASD office use only)

ARBITRATION PANEL

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Eva Lee Lichtenberg, Esq.	-	Public Arbitrator
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Jeffrey G. Sommers
Public Arbitrator, Presiding Chair

Signature Date

Eva Lee Lichtenberg, Esq.
Public Arbitrator

Signature Date



Chris P. Drucker
Industry Arbitrator

4-12-02

Signature Date

April 26, 2002
Date of Service (For NASD office use only)