

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Charlene Castello, Claimant v. Charles Schwab & Company, Inc., Respondent

Case Number: 01-03615

Hearing Site: Los Angeles, California

Nature of the Dispute: Customer v. Member

REPRESENTATION OF PARTIES

For Claimant:

Charlene Castello
In Propria Persona
Gilbert, Arizona

For Respondents:

Janet T. Epstein, Esq.
Charles Schwab & Company, Inc.
San Francisco, California

CASE INFORMATION

Statement of Claim filed: July 3, 2001

Claimant's Uniform Submission Agreement signed: April 19, 2001

Statement of Answer filed by Respondent: November 2, 2001

Respondent's Uniform Submission Agreement signed: November 2, 2001

CASE SUMMARY

Claimant alleged breach of contract and warranties, promissory estoppel, fraud, misrepresentation and omission of facts, negligence, unfair business, consumer protection and deceptive trade practices, violation of state and federal laws, violation of NASD rules, and failure to supervise. Claimant's allegations relate to Respondent's alleged failure to execute Claimant's order for the short sale of shares in Oracle.

Respondent denied the allegations of wrongdoing set forth in Claimant's Statement of Claim.

RELIEF REQUESTED

Claimant requested between \$100,000.00 and \$500,000.00 in compensatory damages, lost opportunities incurred as a result of acts and/or omissions of Respondent, rescission of any or all transactions as sought, statutory damages as provided by applicable law, unspecified punitive damages, pre- and post-judgment interest, and costs, including attorney's fees.

Respondent requested dismissal of the Claimant's Statement of Claim in its entirety and costs.

OTHER ISSUES CONSIDERED AND DECIDED

On or about August 21, 2002, the parties stipulated to have the hearing site moved from San Diego, California to Los Angeles, California.

On March 16, 2006, Respondent moved the Panel to dismiss the Statement of Claim without prejudice. Claimant filed a response on March 27, 2006. After due deliberation, the Panel granted the motion.

The parties 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, testimony, and evidence presented at the hearing, the Panel decided in full and final resolution of the issues submitted for determination as follows:

- 1) Claimant's claims are dismissed without prejudice.
- 2) The parties shall bear their respective costs, including attorney's fees.
- 3) All other relief requested and not expressly granted is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution received or will collect the non-refundable filing fees for each claim as follows:

Initial claim filing fee	= \$ 300.00
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Member Fees

Member fees are assessed to each member firm that is either a party in the matter or an employer of a respondent associated person at the time of the events that gave rise to the dispute, claim, or controversy. Accordingly, the member firm Charles Schwab & Company, Inc. is a party and the following fees are assessed:

Member Surcharge	= \$1,500.00
Pre-Hearing Process Fee	= \$ 600.00
<u>Hearing Process Fee</u>	<u>= \$2,500.00</u>
Total Member Fees	= \$4,600.00

Adjournment Fees

The following adjournment fees are assessed:

October 21 – 23, 2002 adjournment requested by Claimant	= \$1,125.00
April 8-9, 2003 adjournment requested by Claimant	= \$1,000.00

The Panel assessed the entire adjournment fees, in the amount of \$2,125.00, to Claimant Charlene Castello.

Forum Fees and Assessments

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

One (1) Pre-hearing conference session with a single arbitrator @ \$450.00/session	= \$ 450.00
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Pre-hearing conference:	August 27, 2002	1 session
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Two (2) Pre-hearing conference sessions with the Panel @ \$1,125.00/session	= \$2,250.00
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Pre-hearing conferences:	April 15, 2002	1 session
	December 12, 2005	1 session

Total Forum Fees	= \$2,700.00
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The Panel assessed the entire balance of the forum fees, in the amount of \$2,700.00, to Claimant Charlene Castello.

Fee Summary

1. Claimant Charlene Castello is charged with the following fees and costs:

Initial Filing Fee	= \$ 300.00
Adjournment Fee	= \$ 2,125.00
Forum Fees	= \$ 2,700.00
Total Fees	= \$ 5,125.00
Less payments	= \$(1,425.00)
Balance Due NASD Dispute Resolution	= \$ 3,700.00

2. Respondent Charles Schwab & Company, Inc. is charged with the following fees and costs:

Member Fees	= \$ 4,600.00
Less payments	= \$(5,200.00)
Refund Due from NASD Dispute Resolution	= \$ (600.00)

All balances are payable to NASD Dispute Resolution and are due upon the receipt of the Award pursuant to Rule 10330(g) of the Code.

ARBITRATION PANEL

Laurel Littman Gothelf	-	Public Arbitrator, Presiding Chair
L. William McGrath, Jr., Esq.	-	Public Arbitrator
Barry E. Kersh	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures



Laurel Littman Gothelf
Chair, Public Arbitrator

6-22-06
Signature Date

L. William McGrath, Jr., Esq.
Public Arbitrator

Signature Date

Barry E. Kersh
Non-Public Arbitrator

Signature Date

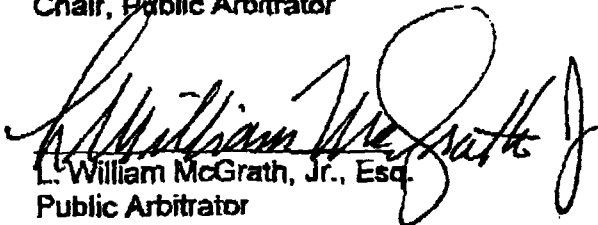
6/23/06
Date of Service

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L. William McGrath, Jr., Esq.	-	Public Arbitrator
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Concurring Arbitrators' Signatures

Laurel Littman Gothelf
Chair, Public Arbitrator


L. William McGrath, Jr., Esq.
Public Arbitrator

Signature Date

6-22-06
Signature Date

Barry E. Kersh
Non-Public Arbitrator

Signature Date

6/23/06
Date of Service