
Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant
Douglas S. Dickinson, M.D.

Case Number: 03-03123

Name of the Respondent
Ameritrade, Inc.

Hearing Site: Atlanta, Georgia

Nature of the Dispute: Customer vs. Member.

REPRESENTATION OF PARTIES

For Douglas S. Dickinson, M.D., hereinafter referred to as "Claimant": Ralph Bohanan, Jr., Esq., Bohanan & Belt, P.C., Birmingham, Alabama.

For Ameritrade, Inc., hereinafter referred to as "Respondent": James J. Vihstadt, Esq., Ameritrade, Inc., Omaha, Nebraska.

CASE INFORMATION

Statement of Claim filed on or about: April 29, 2003.

Claimant signed the Uniform Submission Agreement: May 24, 2003.

Statement of Answer filed by Respondent on or about: July 21, 2003.

Respondent signed the Uniform Submission Agreement: July 21, 2003.

CASE SUMMARY

Claimant asserted a claim for breach of contract. The cause of action relates to the transfer of 1500 shares of Chiron stock from Claimant's account to eleven (11) charitable organizations.

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim and asserted various defenses.

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$500,000.00, plus costs and attorney's fees.

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

OTHER ISSUES CONSIDERED AND DECIDED

On or about February 10, 2004, Respondent filed a Motion to Compel Claimant to respond to Respondent's First Request for Information and Documents dated December 29, 2003. On or

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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, the member firm Ameritrade, Inc. is a party.

Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$2,750.00

Adjournment Fees

Adjournment granted during these proceedings for which fees were assessed:

March 4-5, 2004, adjournment requested by Claimant	= \$ 1,125.00
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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 Panel has assessed forum fees for each session conducted. A 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 the Panel @ \$1,125.00	= \$1,125.00
Pre-hearing conference: November 3, 2003	1 session
Total Forum Fees	= \$1,125.00

The Panel has assessed the total forum fees of \$1,125.00 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

Claimant is solely liable for:

Initial Filing Fee	= \$ 300.00
Adjournment Fee	= \$ 1,125.00
Forum Fees	= \$ 1,125.00
Total Fees	= \$ 2,550.00
Less payments	= \$ 1,425.00
Balance Due NASD Dispute Resolution	= \$ 1,125.00

Respondent is solely liable for:

<u>Member Fees</u>	= \$ 3,500.00
<u>Total Fees</u>	= \$ 3,500.00
<u>Less payments</u>	= \$ 3,500.00
Balance Due NASD Dispute Resolution	= \$ 0.00

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

ARBITRATION PANEL

Lemoine D. Pierce, J.D.	-	Public Arbitrator, Presiding Chairperson
James R. McGuone, Esq.	-	Public Arbitrator
Robert C. Allphin, Jr.	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

/s/	05/25/04
<u>Lemoine D. Pierce, J.D.</u> Public Arbitrator, Presiding Chairperson	<u>Signature Date</u>
/s/	05/25/04
<u>James R. McGuone, Esq.</u> Public Arbitrator	<u>Signature Date</u>
/s/	05/25/04
<u>Robert C. Allphin, Jr.</u> Non-Public Arbitrator	<u>Signature Date</u>

05/26/04

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

Respondent is solely liable for:

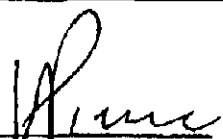
<u>Member Fees</u>	<u>= \$ 3,500.00</u>
<u>Total Fees</u>	<u>= \$ 3,500.00</u>
<u>Less payments</u>	<u>= \$ 3,500.00</u>
Balance Due NASD Dispute Resolution	= \$ 0.00

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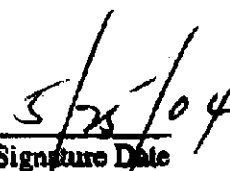
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James R. McGuone, Esq.	-	Public Arbitrator
Robert C. Allphin, Jr.	-	Non-Public Arbitrator

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Lemoine D. Pierce, J.D.
Public Arbitrator, Presiding Chairperson



Signature Date

James R. McGuone, Esq.
Public Arbitrator

Signature Date

Robert C. Allphin, Jr.
Non-Public Arbitrator

Signature Date

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Respondent is solely liable for:

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Robert C. Allphin, Jr.	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

Lemoine D. Pierce, J.D.
Public Arbitrator, Presiding Chairperson

Signature Date


James R. McGuone, Esq.
Public Arbitrator

May 25, 2004
Signature Date

Robert C. Allphin, Jr.
Non-Public Arbitrator

Signature Date

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Respondent is solely liable for:

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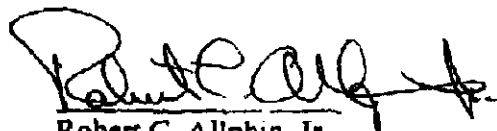
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Lemoine D. Pierce, J.D.
Public Arbitrator, Presiding Chairperson

Signature Date

James R. McGuone, Esq.
Public Arbitrator

Signature Date



Robert C. Allphin, Jr.
Non-Public Arbitrator

5/25/04
Signature Date

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