

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 03-05232

William M. Brown Living Trust, Claimant v. Ameritrade, Inc., Respondent.

ATTORNEYS:

Claimant, William M. Brown Living Trust, ("Claimant"), appeared pro se, Los Angeles, CA.

Respondent, Ameritrade, Inc., ("Respondent"), appeared through their in-house representative, James J. Vihstadt, Bellevue, NE.

NATURE OF DISPUTE: Customer v. Member

DATE FILED: July 17, 2003

CASE SUMMARY: Claimant alleged that Respondent was negligent and failed to act in a timely manner in order that he could exercise his accretion and preemptive rights for the purchase of IRSA Units. Claimant maintained that due to Respondent's action, the trust account suffered financial losses.

ARBITRATOR'S REPORT: Mr. Brown's order on 11/08/03 at 6:55pm EST was ambiguous. His follow-up 23 minutes later was equally ambiguous. Ameritrade acted reasonably in responding via the answer box asking for clarification. Mr. Brown did not respond with clear instructions in time. He has an obligation to give trading instructions in clear, unambiguous language.

Claim Data

Claim: \$20,000.00
Filing Fees: \$425.00
Other: Unspecified

Award Data

Award: \$.00
Filing Fees: \$.00
Other: \$.00

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) The claims of the Claimant are dismissed in their entirety. 2) All other relief requests are denied. 3) NASD Dispute Resolution shall retain the \$425.00 filing fee that the Claimant deposited previously.

OTHER FEES: Pursuant to Rule 10333 of the Code, Respondent, Ameritrade Inc. has paid to NASD Dispute Resolution the \$425.00 Member Surcharge previously invoiced.

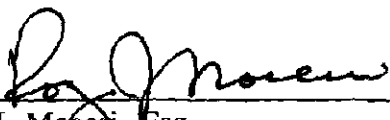
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Award 03-05232

Roy J. Mocer, Esq.

Sole Public Arbitrator

AFFIRMATION

I, Roy J. Mocer, Esq., do hereby affirm, upon my oath as arbitrator that I am the individual described herein who executed this instrument, which is my oath and award.



Roy J. Mocer, Esq.

12-28-03

Signature Date

January 9, 2004

Date of Service (For NASD-DR office use only)