

NASD DISPUTE RESOLUTION AWARD

NASD DISPUTE RESOLUTION

CASE: 04-00271

James D. Scurlock, Claimant v. E*Trade Securities, LLC, Respondent.

ATTORNEYS:

Claimant, James D. Scurlock, ("Claimant"), appeared pro se, Santa Monica, CA.

Respondent, E*Trade Securities, LLC, ("Respondent"), appeared through their in-house counsel, John Bersiny, Rancho Cordova, CA.

NATURE OF DISPUTE: Customer v. Member

DATE FILED: January 15, 2004

CASE SUMMARY: Claimant alleged that Respondent executed trades in his account without authorization, was negligent, and breached its fiduciary duty. Claimant maintained that due to Respondent's actions, his account suffered financial losses.

ARBITRATOR'S REPORT: E*Trade Securities, LLC, acknowledged their errors and were in the process of making the client whole and did reinstate 1,100 shares. At the time Claimant transferred stock to the Charles Schwab account on 12/1/2003, the account was valued at \$211,578.00 according to their statement. Given the risks of investing in a foreign market and the disclaimer of liability by E*Trade, awarding paper profit loss to the Claimant is not warranted by these facts.

Claim Data

Claim: \$14,767.58
Punitive: \$10,000.00
Filing Fees: \$.00
Other: Unspecified

Award Data

Award: \$.00
Punitive: \$.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 requests for punitive damages are denied. 3) All other relief requests are denied. 4) NASD Dispute Resolution shall retain the \$425.00 filing fee that the Claimant deposited previously.

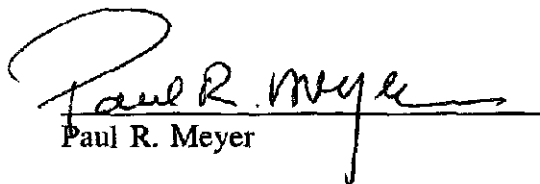
OTHER FEES: Pursuant to Rule 10333 of the Code, Respondent has paid to NASD Dispute Resolution the \$425.00 Member Surcharge previously invoiced.

ARBITRATOR

Paul R. Meyer - Sole Public Arbitrator

AFFIRMATION

I, Paul R. Meyer, 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.


Paul R. Meyer

6-8-2004
Signature Date

June 22, 2004
Date of Service (For NASD-DR office use only)