

NASD DISPUTE RESOLUTION AWARD

NASD DISPUTE RESOLUTION

CASE: 04-01020

Eileen Spann, Claimant v. Ameritrade, Inc. n/k/a J.P. Securities, Inc. and Brian Goracke, Respondents.

ATTORNEYS:

Claimant, Eileen Spann, ("Claimant"), appeared pro se, Calabasas, CA.

Respondents, Ameritrade, Inc. n/k/a J.P. Securities, Inc. and Brian Goracke, ("Respondents"), appeared through their in-house counsel, James J. Vihstadt, Bellevue, NE.

NATURE OF DISPUTE: Customer v. Member and Associated Person

DATE FILED: February 17, 2004

CASE SUMMARY: Claimant alleged that Respondents breached their contract and manipulated her investment account by executing a trade of INOC common stock on which she had placed a stop order. Claimant maintained that due to Respondents' actions, her account suffered financial losses.

Claim Data

Punitive: \$2,500.00

Filing Fees: \$125.00

Other: Unspecified

Award Data

Punitive: \$.00

Filing Fees: \$37.50

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) The arbitrator recommends the expungement of all reference to NASD Dispute Resolution Arbitration Case No. 04-01020 entitled, Eileen Spann v. Ameritrade, Inc. n/k/a J.P. Securities, Inc. and Brian Goracke from Respondent Brian Goracke's registration record maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notice to Members 99-09, Respondent David Goracke must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive. 4) NASD Dispute Resolution shall retain the \$75.00 filing fee that the Claimant deposited previously. 5) Respondent Ameritrade, Inc. n/k/a J.P. Securities, Inc. is liable and shall pay to the Claimant \$37.50 as reimbursement of one-half of the filing fee.

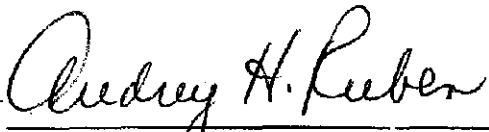
OTHER FEES: Pursuant to Rule 10333 of the Code, Respondent Ameritrade, Inc. n/k/a J.P. Securities, Inc., has paid to NASD Dispute Resolution the \$150.00 Member Surcharge previously invoiced.

ARBITRATOR

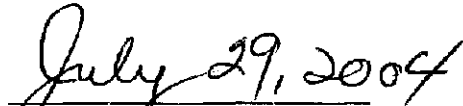
Audrey H. Ruben, Esq. - Sole Public Arbitrator

AFFIRMATION

I, Audrey H. Ruben, 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.



Audrey H. Ruben, Esq.



Signature Date

August 6, 2004

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