

**NASD DISPUTE RESOLUTION AWARD**  
**NASD DISPUTE RESOLUTION**

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CASE: 04-04305

Angelo DePergola and Debra A. DePergola, JT TEN, Claimants v. Ameritrade, Inc., Respondent

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**ATTORNEYS:**

Claimants Angelo DePergola and Debra A. DePergola, JT TEN (collectively "Claimants") appeared *pro se*, through Angelo DePergola, Palm Harbor, FL.

For Respondent Ameritrade, Inc. ("Respondent") appeared James J. Vihstadt, Esq., in-house counsel, Ameritrade, Inc., Omaha, NE.

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**NATURE OF DISPUTE:** Customers vs. Member.

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**DATE FILED:** June 18, 2004.

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**CASE SUMMARY:** Claimants alleged that Respondent failed to execute Claimants' sell-stop order of SIRI stock. Claimants maintained that due to Respondents' actions, their account suffered losses.

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**Claim Data**

Claim: \$7,960.00  
Claim: Place 3,000 shares of SIRI into account  
Interest: \$.00  
  
Filing Fees: \$.00

**Award Data**

Award: \$800.00  
Claim: \$.00  
Interest: 7% per annum from 11/5/03 to date of payment of award  
Filing Fees: \$325.00

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**AWARD:** The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) Respondent is liable and shall pay to the Claimants \$800.00. 2) All requests to place 3,000 shares of SIRI into their account are denied. 3) All other relief requests are denied. 4) NASD Dispute Resolution shall retain the \$325.00 filing fee that the Claimants deposited previously. 5) Respondent is liable and shall pay Claimants \$325.00 as reimbursement of the filing fee.

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**OTHER FEES:** Pursuant to Rule 10333 of the Code, Respondent has paid to NASD Dispute Resolution the \$325.00 Member Surcharge previously invoiced.

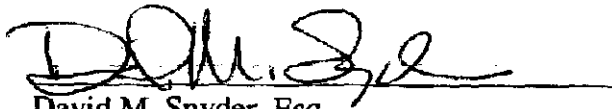
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Award 04-04305

David M. Snyder, Esq.

Sole Public Arbitrator

AFFIRMATION

I, David M. Snyder, 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.

  
David M. Snyder, Esq.

12/13/04  
Signature Date

December 30, 2004

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