

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:
Sidney Joel Weber, Claimant v. TradeStation Securities, Inc., Respondent

Case Number: 05-01992

Hearing Site: San Francisco, California

_____ Nature of the Dispute: Customer v. Member

REPRESENTATION OF PARTIES

For Claimant:

In Propria Persona
Campbell, California

For Respondent:

Michael S. Hill
Chief Compliance Officer
Plantation, Florida

CASE INFORMATION

Statement of Claim filed: April 12, 2005

Claimant's Uniform Submission Agreement signed: April 11, 2005

Statement of Answer filed by Respondent: June 1, 2005

Respondent's Uniform Submission Agreement signed: June 1, 2005

CASE SUMMARY

Claimant alleged negligence, fraudulent charges, wrongful denial of account access, and wrongful rejection of account transfer requests.

Respondent, except for an erroneous charge of \$23.32, denied the allegations of wrongdoing set forth in Claimant's Statement of Claim.

In its Answer, Respondent included a counterclaim against Claimant. On June 6, 2005, Claimant filed a response to the counterclaim. On August 4, 2005, Respondent withdrew its counterclaim.

RELIEF REQUESTED

Claimant requested \$212.32 in compensatory damages and \$636.96 in punitive damages.

Respondent requested dismissal of Claimant's Statement of Claim in its entirety, or in the alternative, summary disposition, and costs.

OTHER ISSUES CONSIDERED AND DECIDED

On April 26, 2005, Claimant signed a Waiver Agreement expressly waiving any and all rights and benefits under California Civil Code Section 1542 and the California Ethical Standards for Neutral Arbitrators.

Pursuant to the Code of Arbitration Procedure IM-10100, the waiver of the Claimant shall constitute and operate as a waiver for all member firms and associated persons (including terminated or otherwise inactive member firms or associated persons) against whom the Claim has been filed.

In its Answer, Respondent requested that the case be decided on the papers submitted, without a formal hearing, or, in the alternative, a change in venue from San Francisco, California, to Boca Raton, Florida. During the initial pre-hearing conference held on July 15, 2005, the arbitrator heard oral argument and granted Respondent's request for a decision based solely on the paper submissions. In light of this ruling, the arbitrator allowed Claimant to file an additional brief in support of his claim, Respondent to file a response thereto, and Claimant to file a reply. On July 20, 2005, Claimant submitted said additional brief. On August 4, 2005, Respondent filed a response thereto. On August 8, 2005, Claimant filed a final reply.

On August 15, 2005, Respondent submitted an amendment to its August 4, 2005, response to Claimant's additional brief (referenced in the prior paragraph). On August 16, 2005, Claimant filed a response to the amendment. The arbitrator, pursuant the NASD Code of Arbitration Procedure Rule 10328(c), allowed the amendment.

AWARD

After considering the pleadings, the arbitrator decided in full and final resolution of the issues submitted for determination as follows:

- 1) Respondent is liable to and shall pay Claimant the sum of \$212.32 in compensatory damages.
- 2) The parties shall bear their respective costs, including attorney's fees.
- 3) All other relief requested and not expressly granted is denied.

FEES

Pursuant to the NASD Code of Arbitration Procedure, the following fees are assessed:

Filing Fees

NASD Dispute Resolution received or will collect the non-refundable filing fees for each claim as follows:

Initial claim filing fee	= \$ 25.00
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Member Fees

Member fees are assessed to each member firm that is either a party in the matter or an employer of a respondent associated person at the time of the events that gave rise to the dispute, claim, or controversy. Accordingly, the member firm TradeStation Securities, Inc., is a party and the following fees are assessed:

Member Surcharge	= \$ 150.00
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Forum Fees and Assessments

The arbitrator assessed a forum fee for each pre-hearing conference or hearing session conducted. A pre-hearing conference and hearing session is any meeting between the arbitrator. The following fees are assessed:

(1) Pre-hearing conference session with a single arbitrator @ \$ 25.00/session	= \$ 25.00
Pre-hearing conference: July 15, 2005 1 session	

Fee for a decision on the paper records	= \$ 25.00
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Total Forum Fees	= \$ 50.00
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1. The arbitrator assessed \$25.00 of the forum fees to Claimant.
2. The arbitrator assessed \$25.00 of the forum fees to Respondent.

Fee Summary

1. Claimant is charged with the following fees and costs:

Initial Filing Fee	= \$ 25.00
Forum Fees	= \$ 25.00
Total Fees	= \$ 50.00
Less payments	= \$(50.00)
Balance Due NASD Dispute Resolution	= \$ 0.00

2. Respondent is charged with the following fees and costs:

Member Fees	= \$ 150.00
Forum Fees	= \$ 25.00
Total Fees	= \$ 175.00
Less payments	= \$(150.00)
Balance Due NASD Dispute Resolution	= \$ 25.00

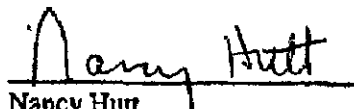
All balances are payable to NASD Dispute Resolution and are due upon the receipt of the Award pursuant to Rule 10330(g) of the Code.

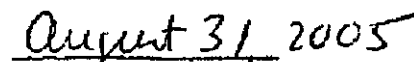
ARBITRATOR


Nancy Hutt

Public Arbitrator

Arbitrator's Signature


Nancy Hutt
Public Arbitrator


Signature Date


Date of Service