

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Barry D. Rader

Claimant(s)

vs.

Ameritrade, Inc., Rosemary Grady,  
and Amerimutual Corp.

Respondent(s)

NOTICE OF  
ARBITRATION  
AWARD  
89-01912

CASE SUMMARY

Claimant(s) Barry D. Rader alleged that Respondent(s) Ameritrade, Inc., Rosemary Grady, and Amerimutual Corp. failed to execute a trade. Respondent Ameritrade, Inc. maintains that the transaction in question could not have been processed and settled because it was not reported to the Respondent. The Respondent cannot be held liable for an alleged impropriety on the part of an introducing broker. Respondent Rosemary Grady did not defend. Respondent Ameritrade, Inc. did not defend.

RELIEF REQUESTED

Claimant(s) Barry D. Rader requested damages of Four Hundred Eighty Three Dollars and No Cents (\$483.00). Respondent(s) requested dismissal of claim and costs.

AWARD

Pursuant to Section 13 of the NASD, Inc. Code of Arbitration Procedure ("Simplified Arbitration") a single arbitrator, David I. Bursten, Esq., was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant(s) on June 29, 1989 and by Respondent(s) on November 6, 1989, respectively;

And, that the Arbitrator, having considered the proofs of the Parties, including any additional documentary submissions of the Claimant(s) and the Respondents(s) has decided and determined in full and final resolution of the issue submitted for determination as follows:

The Respondent Amerimutual Corp. is liable and shall pay the sum of Four Hundred Twenty Three Dollars and Sixty-Four Cents (\$423.64) to the Claimant; and

The Claimant's claim against Ameritrade, Inc. and Rosemary Grady is dismissed in its entirety.

The parties shall each bear their respective costs including attorney's fees.

The \$15.00 filing fee previously deposited with the NASD, Inc. by the Claimant(s) shall be refunded to the Claimant by the Respondent.

January 17, 1990