

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between

Name of Claimant

Mashhoor Dawood Al-Asfoor

Case No. 99-00363

Hearing Site: Boca Raton, Florida

Name of Respondent

E*Trade Securities, Inc.

REPRESENTATION OF PARTIES

Mashhoor Dawood Al-Asfoor ("Al-Asfoor"), hereinafter referred to as "Claimant" appeared pro se.

For E*Trade Securities, Inc. ("E*Trade") hereinafter referred to as "Respondent": Mark T. Dooks, Bird, Marella, Boxer & Wolpert, Los Angeles, California.

CASE INFORMATION

Statement of Claim filed on or about: January 26, 1999.

Claimant signed the Uniform Submission Agreement: January 14, 1999.

Statement of Answer filed by Respondent on or about: April 9, 1999.

Respondent signed the Uniform Submission Agreement: April 7, 1999.

CASE SUMMARY

Claimant asserted the following: A drop in the market occurred on August 31, 1998 and the value of Claimant's securities dropped. Claimant contacted Respondent and offered to wire transfer any funds necessary to save his margin account. Respondent's representative advised Claimant not to take any action until Claimant received official instructions. On September 1, 1998, Claimant's securities were sold without his prior authorization. The causes of action relate to the sale of shares of the following stocks: E*Trade Group, Inc. ("EGRP"), Excite, Inc. ("XCIT"), Infoseek, Corp. ("SEEK"), and Perusahaan Prespero PT ("TLK").

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim and asserted the following defenses: 1) The parties' written agreement authorized Respondent to liquidate Claimant's margin positions when his account equity fell to unacceptable levels; 2) Respondent acted properly in liquidating Claimant's margin account; 3) Claimant failed to take reasonable steps to mitigate any damages; 4) Claimant is responsible for any losses due to his

own actions; 5) Claimant assumed the risks involved in his margin trading strategy; 6) Claimant was contributorily and/or comparatively negligent in causing his own losses; and 7) Claimant is estopped from pursuing this action through his explicit agreement to the margin and liquidation provisions at issue.

RELIEF REQUESTED

Claimant requested compensatory damages of \$1,885,360.00, plus reinstatement of his account and such other relief as is deemed just and proper.

Respondent requested that all claims against it be dismissed, plus attorney's fees, the costs of this proceeding, and such other and further relief as is deemed just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

Claimant did not attend the evidentiary hearing in this matter. Claimant advised in writing that he would not attend the evidentiary hearing and requested that his claim be decided based on his written submissions. Respondent objected to said request. The undersigned arbitrators (the "Panel") entered an Order permitting either party to appear in absentia. Therefore, upon review of the file and the representations made by Claimant, the Panel determined that Claimant received due notice of the hearing, and that arbitration of the matter would proceed without Claimant present, in accordance with the NASD Code of Arbitration Procedure (the "Code").

On April 30, 2001, Respondent filed a Motion in Limine requesting that the panel preclude the Claimant from offering any witnesses or evidence at the evidentiary hearing. The panel, after hearing argument from both parties during a telephonic pre-hearing conference call, granted the Motion in Limine with regard to any material that was required to be produced pursuant to Respondent's Motion to Compel and Rule 10321 of the Code.

At the commencement of the evidentiary hearing, Respondent requested that the panel find the Claimant to be in default for his failure to appear at the hearing. The panel deferred any ruling on the request until the close of the evidentiary hearing at which time it was determined to be moot as a result of the Panel's Award herein.

The party present at the evidentiary hearing agreed that the Award may be executed in counterpart copies or that a handwritten, signed Award may be entered.

AWARD

After considering the pleadings, the testimony and evidence presented at the hearing, and the post-hearing submissions (if any), the Panel has decided in full and final resolution of the issues submitted for determination as follows:

Claimant's claims are denied in their entirety.

Claimant is liable and shall pay to Respondent the sum of \$500.00 in attorneys' fees. Attorneys' fees are awarded pursuant to the Code and due to Claimant's failure to comply with NASD rules relating to discovery, necessitating Respondent's filing of a Motion to Compel and a Motion in Limine.

Any and all requests for relief not specifically addressed herein are denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution, Inc. will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee	= \$250.00
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Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm that employed the associated persons at the time of the events giving rise to the dispute. In this matter, the member firm is a party.

Member surcharge	= \$2,500.00
Pre-hearing process fee	= \$ 600.00
Hearing process fee	= \$4,500.00

Adjournment Fees

No adjournments were requested during these proceedings.

Forum Fees and Assessments

The panel has the authority to assess forum fees for each hearing session conducted. A hearing session is any meeting between the parties and the arbitrators, including a pre-hearing conference with the arbitrators, that lasts four (4) hours or less. Fees associated with these proceedings are:

Two (2) Pre-hearing sessions with Panel x \$1,000.00	= \$2,000.00
Pre-hearing conferences: January 9, 2001	1 session
May 9, 2001	1 session
One (1) Hearing session x \$1,000.00	= \$1,000.00
Hearing Date: May 22, 2001	1 session
<hr/> Total Forum Fees	<hr/> = \$3,000.00

The panel has assessed the total forum fees of \$3,000.00 to Claimant.

Administrative Costs

Administrative costs are expenses incurred due to a request by a party for special services including, but not limited to, additional copies of arbitrator awards beyond those provided without charge, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

No administrative costs were incurred during these proceedings.

Fee Summary

Claimant be and hereby is solely liable for:

Initial Filing Fee = \$ 250.00

Forum Fees	= \$3,000.00
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Total Fees = \$3,250.00

Less payments **= \$1,250.00**

Balance Due NASD Dispute Resolution, Inc.	= \$2,000.00
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Respondent be and hereby is solely liable for:

Member Fees = \$7,600.00

Total Fees = \$7,600.00

Less payments = \$3,700.00

Balance Due NASD Dispute Resolution, Inc.	= \$3,900.00
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All balances are due to NASD Dispute Resolution, Inc. immediately upon receipt of the Award by the parties pursuant to Rule 10330(g) of the Code.

ARBITRATION PANEL

Guy K. Stewart, Jr., Esq. - *Public Arbitrator, Presiding Chair*

James B. May, Esq. - *Public Arbitrator*

Allen J. Lefton - **Non-Public Arbitrator**

Concurring Arbitrators' Signatures

/S/

Guy K. Stewart, Jr., Esq.
Public Arbitrator, Presiding Chair

Signature Date

James B. May, Esq.
Public Arbitrator

Signature Date

/s/
Allen J. Lefton
Non-Public Arbitrator

Signature Date

July 3, 2001

Date of Service (For NASD-Dispute Resolution office use only)

Administrative Costs

Administrative costs are expenses incurred due to a request by a party for special services including, but not limited to, additional copies of arbitrator awards beyond those provided without charge, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

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Fee Summary

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Forum Fees	= \$3,000.00
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Total Fees	= \$3,250.00
Less payments	= \$1,250.00
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Balance Due NASD Dispute Resolution, Inc.	= \$2,000.00

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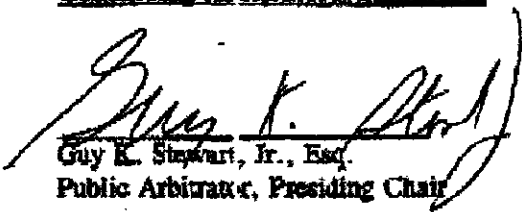
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ARBITRATION PANEL

Guy E. Stewart, Jr., Esq.
James B. May, Esq.
Allen J. Lepton

Public Arbitrator, Presiding Chair
Public Arbitrator
Non-Public Arbitrator

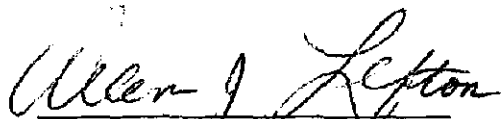
Concurring Arbitrators' Signatures


Guy E. Stewart, Jr., Esq.
Public Arbitrator, Presiding Chair

6/22/01
Signature Date

James B. May, Esq.
Public Arbitrator

Signature Date


Allen J. Lepton
Non-Public Arbitrator


July 2, 2021
Signature Date

Date of Service (For NASD-Dispute Resolution office use only)