

**Award**  
**NASD Regulation, Inc.**

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In the Matter of the Arbitration Between:

Larry Giebenrath, Claimant v. Charles Schwab & Co., Inc., Respondent.

Case Number: 99-01827

Hearing Site: San Diego, California

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**REPRESENTATION OF PARTIES**

For Claimant:

Larry E. Giebenrath  
In Pro Per  
San Diego, California

For Respondent:

Steve Murphy, Esq.  
Charles Schwab & Co., Inc.  
San Francisco

**CASE INFORMATION**

Statement of Claim filed: April 20, 1999

Claimant's Uniform Submission Agreement signed: June 16, 1999

Statement of Answer filed by Respondent, Charles Schwab & Co., Inc.: August 24, 1999

Respondent's Uniform Submission Agreement signed: July 23, 1999

**CASE SUMMARY**

Claimant alleged the following causes of action: Untimely processing of account conversion, failure to execute trade, and failure to supervise.

Respondent denied the allegations of wrongdoing set forth in the Claimant's Statement of Claim.

**RELIEF REQUESTED**

Claimant requested \$4,437.00 in compensatory damages and such other relief as the Arbitrator deems appropriate.

Respondent requested dismissal of the Claimant's Statement of Claim in its entirety, costs, including hearing fees, and such other relief as the Arbitrator deems appropriate.

### **OTHER ISSUES CONSIDERED AND DECIDED**

Claimant and Respondent stipulated that the Arbitrator shall consider the matter on the Pleadings.

The parties have agreed that a handwritten, signed Award may be entered.

### **AWARD**

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

1. Respondent, Charles Schwab & Co., Inc. is liable to and shall pay Claimant, Larry Giebenrath, four hundred thirty-seven dollars and fifty cents (\$437.50).
2. Respondent, Charles Schwab & Co., Inc., is liable to and shall pay Claimant, Larry Giebenrath, interest of forty-seven dollars and seventy-six cents (\$43.76).
3. The Paper Case Fee shall be split 50% to Claimant and 50% to Respondent pursuant to Rule 10302 (c).
4. The parties shall bear their respective costs, including attorney's fees.
5. All relief not expressly granted is denied.

### **FEES**

Pursuant to the Code, the following fees are assessed:

#### **Filing Fees**

NASD Regulation, Inc. has received or will collect the non-refundable filing fees for each claim as follows:

Initial claim filing fee	= \$ 50.00
Paper case fee	= \$ 125.00

#### **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 event of the dispute. Accordingly, the member firm Charles Schwab & Co., Inc. is a party and the following fees are assessed:

Member Surcharge	= \$ 200.00
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**Fee Summary**

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

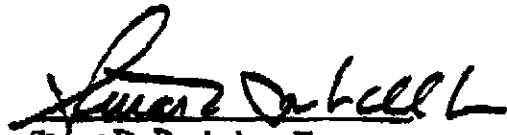
Initial Filing Fee	= \$ 50.00
<u>One-Half of the Paper Case Fee</u>	<u>= \$ 62.00</u>
Total Fees	= \$ 112.50
<u>Less payments</u>	<u>= &lt;\$175.00&gt;</u>
Refund Due Claimant	= <\$62.50>

3. Respondent, Charles Schwab & Co., Inc., is charged with the following fees and costs:

Member Fees	= \$ 200.00
<u>One-Half of the Paper Case Fee</u>	<u>= \$ 62.50</u>
Total Fees	= \$ 262.50
<u>Less payments</u>	<u>= \$ 200.00</u>
<b>Balance Due NASD Regulation, Inc.</b>	<b>= \$ 62.50</b>

All balances are payable to NASD Regulation, Inc. and are due within 30 days of the award's date of service.

Arbitrator's Signature

A handwritten signature in black ink, appearing to read "Stuart D. Buchalter".

Stuart D. Buchalter, Esq.  
Chair, Public Arbitrator

Nov. 24, 1999  
Signature Date

November 24, 1999  
Date of Service