

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

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In the Matter of the Arbitration Between:  
Karen Juran, Claimant v. E\*Trade Securities, Inc., Respondent

Case Number: 99-02197

Hearing Site: Los Angeles, California

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**REPRESENTATION OF PARTIES**

For Claimant:

Paul W. Thomas, Esq.  
Paul W. Thomas & Associates  
Carlsbad, California

For Respondent:

Paul S. Chan, Esq.  
Bird, Marella, Boxer & Wolpert  
Los Angeles, California

**CASE INFORMATION**

Statement of Claim filed: May 10, 1999

Amended Statement of Claim filed: June 14, 1999

Claimant's Uniform Submission Agreement signed: May 10, 2000

Statement of Answer and Counter-Claim filed by Respondent: August 19, 1999

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

**CASE SUMMARY**

Claimant alleged negligence and failure to supervise. Claimant also denied the allegations of wrongdoing set forth in the Respondent's Counter-Claim. This case involved the purchase of shares in Electron Transfer Corporation for an IRA account.

Respondent denied the allegations of wrongdoing set forth in the Claimant's Statement of Claim. In its Counter-Claim, Respondent alleged that Claimant had an unpaid debit balance in her account with Respondent.

### **RELIEF REQUESTED**

Claimant originally requested \$30,000.00 in compensatory damages. In her Amended Statement of Claim, Claimant requested \$32,000.00 in compensatory damages, costs, expenses, attorney's fees, and pre-judgment interest. Claimant also requested dismissal of the Respondent's Counter-Claim.

Respondent requested dismissal of the Claimant's Statement of Claim in its entirety and costs. Respondent also requested \$14,680.09 for the unpaid debit balance.

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

The parties have agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered.

### **AWARD**

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

- 1) Claimant's claim is denied in its entirety.
- 2) Claimant Karen Juran is liable to and shall pay Respondent E\*Trade Securities, Inc. the sum of \$14,680.09 in reimbursement for the debit balance in her account.
- 3) Each party shall bear its own costs, including attorney's fees.
- 4) All other 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	= \$ 175.00
Respondent's Counter-Claim	= \$ 750.00

#### **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 E\*Trade Securities, Inc. is a party and the following fees are assessed:

Member Surcharge	= \$ 800.00
Pre-Hearing Process Fee	= \$ 600.00
Hearing Process Fee	= \$1,000.00
Total Member Fees	= \$2,400.00

#### **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 parties and the Arbitrator. The following fees are assessed:

(1) Pre-hearing conference session with a single arbitrator @ \$ 450.00/session	= \$ 450.00
Pre-hearing conference: January 18, 2000	1 session

(2) Hearing sessions @ \$450.00/session	= \$ 900.00
Hearings: May 10, 2000	2 sessions

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Total Forum Fees	= \$1,350.00
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The Arbitrator has assessed \$1,350.00 of the forum fees to Claimant Karen Juran.

#### **Administrative Costs**

Administrative costs are expenses incurred because a party requested additional services beyond the normal administrative services. These additional services include, but are not limited to, additional copies of arbitrator awards, copies of audio transcripts, retrieval of documents from archives, interpreters, security, and sundry other requests.

Claimant requested ten (10) photocopies at \$.50/copy:	= \$ 5.00
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**Fee Summary**

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

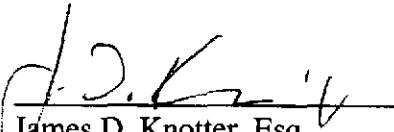
Initial Filing Fee	= \$ 175.00
Forum Fees	= \$1,350.00
<u>Administrative Costs</u>	= \$ 5.00
Total Fees	= \$1,530.00
<u>Less payments</u>	= \$ (625.00)
Balance Due NASD Regulation, Inc.	= \$ 905.00

2. Respondent E\*Trade Securities, Inc. is charged with the following fees and costs:

Counter-Claim Filing Fee	= \$ 750.00
<u>Member Fees</u>	= \$ 2,400.00
Total Fees	= \$ 3,150.00
<u>Less payments</u>	= \$(3,400.00)
Refund Due Respondent E*Trade Securities, Inc.	= \$ (250.00)

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

**Arbitrator's Signature**

  
James D. Knotter, Esq.  
Chair, Public Arbitrator

5/10/2000  
Signature Date

May 10, 2000  
Date of Service