

Award
NASD Regulation, Inc.

In the Matter of the Arbitration Between:

Peter and Elissa Cassella (Claimants) vs. Charles Schwab & Co., Inc. (Respondent)

Case Number: 99-02217

Hearing Site: Seattle, Washington.

REPRESENTATION OF PARTIES

Peter and Elissa Cassella hereinafter referred to as "Claimant": Peter Cassella represented himself.

Charles Schwab & Co., Inc. hereinafter referred to as "Respondent": Amir Tadjedin, Esq., Charles Schwab & Co., Inc., San Francisco, California.

CASE INFORMATION

Statement of Claim filed on or about: May 11, 1999.

Claimants signed the Uniform Submission Agreement: May 24, 1999.

Statement of Answer filed by Charles Schwab & Co., Inc. on or about: August 3, 1999.

Charles Schwab & Co., Inc. executed the Uniform Submission Agreement: July 12, 1999.

CASE SUMMARY

Claimants assert that a trade to purchase 1000 shares Entremed at market price and were assigned an order number. Claimants assert that prior to the market opening the order was modified reducing the order to 500 shares. A new order number was assigned. Claimant then canceled the order entirely. The Claimants assert that the Respondent failed to properly process the orders which caused the initial 1000 share order to be filled in its entirety. The Claimants' losses resulted when the shares were sold out.

The Respondent denied the allegations asserted in the Statement of Claim. The Respondent argues that the Claimants received full disclosure with respect to the market orders and market volatility. The Respondent argues that the Claimants assumed the risks associated with market orders and market volatility.

RELIEF REQUESTED

Claimants requested:

Compensatory Damages

\$32,622

Respondents requested:

Defense Costs

Unspecified.

OTHER ISSUES CONSIDERED AND DECIDED

The parties have agreed that the Award that a handwritten, signed Award may be entered and/or that a they shall copies of the Award that rendered.

AWARD

After considering the pleadings, the 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. Each and every claim asserted in the Statement of Claim is dismissed;
2. Each side to bear their own costs and expenses, including attorneys' fees.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Regulation, Inc. will retain or collect the non-refundable filing fees for each claim:
Initial claim filing fee = \$175

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. In this matter Charles Schwab & Co., Inc., the member firm, is a party.

Member surcharge	= \$ 800
Pre-hearing process fee	= \$ 600
Hearing process fee	= \$1,000

Forum Fees and Assessments

The Arbitrator Panel assesses forum fees for each hearing session conducted. A hearing session is any meeting between the parties and the arbitrator(s), including a pre-hearing conference with the arbitrator(s), that lasts four (4) hours or less. Fees associated with these proceedings are:

Two (2) Pre-hearing session(s) with a single arbitrator x \$450	= \$900
Pre-hearing conference(s):	
November 19, 1999	1 session;
January 18, 2000	1 session.

Two (2) Hearing sessions x \$450 = \$900
Hearing Date(s): March 14, 2000 2 sessions.

Total Forum Fees = \$1,800

1. The Arbitrator has assessed all forum fees to Charles Schwab & Co., Inc.

Fee Summary

1. Claimant is solely liable for:

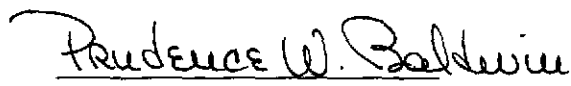
<u>Initial Filing Fee</u>	= \$175
<u>Total Fees</u>	= \$175
<u>Less payments</u>	= \$625
<u>Balance <Refund></u>	= <\$450>

2. Respondent is solely liable for:

<u>Member Fees</u>	= \$2,400
<u>Forum Fees</u>	= \$1,800
<u>Total Fees</u>	= \$4,200
<u>Less payments</u>	= \$4,000
<u>Balance Due NASD Regulation, Inc.</u>	= \$ 200

All balances are due and payable to NASD Regulation, Inc.

Arbitrator's Signature


Prudence W. Baldwin
Public Arbitrator, Presiding Arbitrator

25 May 2000
Signature Date

Date Served:
MAY 31 2000