

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between:

Claimants, Lawence A Wade & L. Wade Enterprises corp. Retirement Plan and Trust vs. Respondent, Charles Schwab & Company

Case Number: 99-03205

Hearing Site: Houston, Texas

REPRESENTATION OF PARTIES

Claimants, Lawence A Wade & L. Wade Enterprises Corp. Retirement Plan hereinafter referred to as "Claimants" were represented by William Shepard Esq., William S. Shepard & Associates, Houston Texas.

Respondent, Charles Schwab & Company, Inc. hereinafter to as "Respondent" was represented by Linda Drucker, Esq., Charles Scab & Company, Inc., San Francisco, CA

CASE INFORMATION

Statement of Claim filed on or about: September 20, 1999

Claimants signed the Uniform Submission Agreement: March 17, 1999

Statement of Answer filed by Respondent: November 5, 1999

Respondent, signed the Uniform Submission Agreement: October 14, 1999

CASE SUMMARY

Claimants asserted the following causes of action:

1. Breach of Contract and Warranties, Promissory Estoppel
2. Violation of Consumer Protection & Deceptive Trade Practices, Sec. 17.50(A), 1746(B)(7), 1746(B)(5), 1746(B)(9), 1746(B)(12), 1746(B)(14), 1746(B)(19), 1750(A)(2), 1746(B)(23), 1750(a)(3)
3. Violation of the Federal Securities Exchange Act
4. Violation of the Texas Securities Act.
5. Violation of Sec.7.01 of the Texas Business and Commerce Code of the Texas Businesses and Commerce Code.
6. Erisa
7. Fraudulent and Negligent Misrepresentation of Material Fact in connection with the sale and repurchase of 30,000 shares of Northern Telcom.

Respondent denied the allegations made in the Statement of Claim and asserted the following defenses:

1. Claimants' losses resulted from their own negligence.
2. In placing a limit order, Claimants assumed the risk that the order would not execute.
3. Claimants allegations do not state a claim under DPTA , or any other Federal or State laws plead.

RELIEF REQUESTED

Claimant(s) requested:

Compensatory Damages	\$500,000
Punitive Damages	\$unspecified
Interest	\$unspecified
Attorneys' Fees	\$unspecified
Other Costs	\$unspecified
Other Monetary/Non-Monetary Relief if any:	\$unspecified

OTHER ISSUES CONSIDERED AND DECIDED

Respondent brought a Motion for Directed Verdict which was denied at the time of the hearing.

AWARD

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

1. The Claim is dismissed as to compensatory damages, punitive damages and attorneys' fees:
2. Respondent, Charles Schwab & Company is liable for filing fees.

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 = \$300

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 person(s) at the time of the event(s) giving rise to the dispute. In this matter, the member firm is the Respondent firm

Member surcharge	= \$1,500
Pre-hearing process fee	= \$ 600
Hearing process fee	= \$2,500

Forum Fees and Assessments

The 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:

One (1) Pre-hearing session with Panel	= \$1,125.00
Pre-hearing conference: April 4, 2000	1 session

Three (3) Hearing sessions x \$1,125	= \$3,375.00
Hearing Date(s): August 15, 2000	2 sessions
August 16, 2000	1 session

Total Forum Fees	= \$4,500.00
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1. The Panel has assessed \$9100 of the forum fees to the respondent.

Fee Summary

1. Claimants be and hereby are jointly and severally liable for:

<u>Initial Filing Fee</u>	= \$ 300
<u>Total Fees</u>	= \$ 300
<u>Less payments</u>	= \$ 300
Balance Due NASD Dispute Resolution, Inc.	= \$ 0


NASD Dispute Resolution, Inc. will refund Claimant's \$1,125 hearing session deposit.

2. Respondent is solely liable for:

Member Fees	= \$ 1,500
Pre-hearing Process Fee	= \$ 600
Hearing Process Fee	= \$ 2,500
Forum Fees	= \$ 4,500
Total Fees	= \$ 9,100
Less payments	= \$ 4,600
Balance Due NASD Dispute Resolution, Inc.	= \$ 4,500

All balances are due to NASD Dispute Resolution, Inc.

Concurring Arbitrators' Signature(s)


J. Randie Henderson, Esq.
Public Arbitrator, Presiding Chair

9/24/00
Signature Date

Richard R. Nelson Jr.
Public Arbitrator

Signature Date

John E. Easterling
Industry Arbitrator

Signature Date

Date of Service (For NASD office use only)

- 09/28/00 TUE 14:43 FAX

NASD REGULATION

008

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2. Respondent is solely liable for:

Member Fees	= \$ 1,500
Pre-hearing Process Fee	= \$ 600
Hearing Process Fee	= \$ 2,500
Forum Fees	= \$ 4,500
Total Fees	= \$ 9,100
Less payments	= \$ 4,600
Balance Due NASD Dispute Resolution, Inc.	= \$ 4,500

All balances are due to NASD Dispute Resolution, Inc.

Concurring Arbitrators' Signature(s)J. Randle Henderson, Esq.
Public Arbitrator, Presiding ChairSignature Date
Richard R. Nelson Jr.
Public Arbitrator9-27-2000
Signature DateJohn E. Easterling
Industry ArbitratorSignature DateDate of Service (For NASD office use only)

TO: AMY F. RESS

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2. Respondent is solely liable for:

Member Fees	= \$ 1,500
Pre-hearing Process Fee	= \$ 600
Hearing Process Fee	= \$ 2,500
<u>Forum Fees</u>	<u>= \$ 4,500</u>
Total Fees	= \$ 9,100
<u>Less payments</u>	<u>= \$ 4,600</u>
Balance Due NASD Dispute Resolution, Inc.	= \$ 4,500

All balances are due to NASD Dispute Resolution, Inc.

Concurring Arbitrators' Signature(s)

J. Randle Henderson, Esq.
Public Arbitrator, Presiding Chair

Signature Date

Richard R. Nelson Jr.
Public Arbitrator

Signature Date


John E. Easterling
Industry Arbitrator

9/28/00
Signature Date

Date of Service (For NASD office use only)