

Award
NASD Regulation, Inc.

In the Matter of the Arbitration Between:

Bassiony Rhima, (Claimant) vs. Donnelly & Co., L.L.C. (Respondent).

Case Number: 99-03363

Hearing Site: Dallas, Texas

REPRESENTATION OF PARTIES

Claimant, Bassiony Rhima ("Claimant"): Stephen R. Marsh, Esq., The Zissman Law Firm, Dallas, TX.

Respondent, Donnelly & Co., L.L.C. ("Respondent"): Wayne M. Secore, Esq. and Kim Shauck, Esq., Secore & Waller, L.L.P., Dallas, Texas.

CASE INFORMATION

Statement of Claim filed on or about: July 23, 1999.

Claimant, Bassiony Rhima, signed the Uniform Submission Agreement: July 20, 1999.

Statement of Answer filed by Respondent, Donnelly & Co., L.L.C. on or about: October 15, 1999. Respondent, Donnelly & Co., L.L.C. signed the Uniform Submission Agreement: September 29, 1999.

CASE SUMMARY

Claimant Bassiony Rhima asserted the following causes of action: breach of fiduciary duty, and unauthorized trading and errors. The causes of action relate to the purchases of shares of GOTO.COM, Inc.

Unless specifically admitted in its Answer, Respondent Donnelly & Co., L.L.C. denied the allegations made in the Statement of Claim and asserted the following defenses: Claimant's damages were caused in whole or in part by his own conduct and Claimant failed to mitigate his damages.

RELIEF REQUESTED

Claimant Bassiony Rhima requested:

| | |
|-------------------------------------|--------------|
| Compensatory Damages | \$19, 891.44 |
| Punitive Damages | \$5, 000.00 |
| Interest | unspecified |
| Attorneys' Fees | unspecified |
| Other Costs | unspecified |
| Other Monetary/Non-Monetary Relief: | unspecified |

Respondent Donnelly & Co., L.L.C. requested:

| | |
|-------------------------------------|-------------|
| Other Costs | unspecified |
| Other Monetary/Non-Monetary Relief: | unspecified |

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

1. That any and all relief not specifically addressed herein, including punitive damages, is hereby denied.

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 | = \$125.00 |
|--------------------------|------------|

Member Fees

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

| | |
|------------------|------------|
| Member surcharge | = \$400.00 |
|------------------|------------|

Forum Fees and Assessments

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

Two (2) Pre-hearing sessions with a single arbitrator x \$450.00 = \$900.00
 Pre-hearing conference: February 4, 2000 1 session
 February 28, 2000 1 session

One (1) in person hearing sessions x \$450.00 = \$900.00
 Hearing Date: May 26, 2000 2 sessions

Total Forum Fees = \$1,800.00

1. The Arbitrator has assessed \$1,350.00 of the forum fees to Donnelly & Co., LLP.

Fee Summary

1. Claimant, Bassiony Rhima, be and hereby is solely liable for:

| | |
|-----------------------------|--------------|
| Initial Filing Fee | = \$125.00 |
| <u>Administrative Costs</u> | = \$0 |
| Total Fees | = \$125.00 |
| <u>Less payments</u> | = \$575.00 |
| Refund | = (\$400.00) |

2. Respondent, Donnelly & Co., LLP be and hereby is solely liable for:

| | |
|-----------------------------------|--------------|
| Member Fees | = \$400.00 |
| Forum Fees | = \$1,800.00 |
| <u>Administrative Costs</u> | = \$0 |
| Total Fees | = \$2,200.00 |
| <u>Less payments</u> | = \$ 400.00 |
| Balance Due NASD Regulation, Inc. | = \$1,800.00 |

All balances are due to NASD Regulation, Inc.

Concurring Arbitrator's Signature

/s/ Jerry C. Prestridge


Jerry C. Prestridge
Public Arbitrator

June 26, 2000

Signature Date

All balances are due to NASD Regulation, Inc.

Concurring Arbitrator's Signature


Jerry C. Prestridge
Public Arbitrator


Signature Date