

**Award**  
NASD Regulation, Inc.

---

In the Matter of the Arbitration Between:

Mitchell G. Case, (Claimant) vs. Suretrade, Inc. (Respondent).

Case Number: 99-04005

Hearing Site: Dallas, Texas

---

**REPRESENTATION OF PARTIES**

Claimant, Mitchell G. Case, ("Claimant"): Tracy Pride Stoneman, Esq.: Attorney at Law, Colorado Springs, CO.

Respondent, Suretrade, Inc. ("Respondent"): Alexander T. Sarafoglu, Esq. and Bennett Falk, Esq. : Morgan, Lewis & Bockius, Miami, FL.

**CASE INFORMATION**

Statement of Claim filed on or about: May 12, 1999.

Claimant, Mitchell G. Case, signed the Uniform Submission Agreement: May 12, 1999.

Statement of Answer filed by Respondent, Suretrade, Inc. on or about: December 15, 1999

Respondent, Suretrade, Inc. signed the Uniform Submission Agreement: December 15, 1999.

**CASE SUMMARY**

Claimant asserted the following causes of action: violations of Deceptive Trade Practices Act and Breach of Contract. The causes of action relate to Claimant's allegations that he placed a day trade order in his margin account of Suretrade, Inc. on Friday November 27, 1999 at 10:24 a.m. and that the order was not executed until Monday November 30, 1999, following which there was a precipitous drop in the value of the stock purchased.

Unless specifically admitted in its Answer, Respondent Suretrade, Inc. denied the allegations made in the Statement of Claim and asserted affirmative defenses including the following: Claimant is barred from recovery based upon his ratification of every transaction in his account, Claimant by his actions or inactions is barred from recovery based upon his waiver of any and all claims he may have had; The claim fails to set forth a cause of action upon which relief can be granted; Claimant by his negligence and/or contributory negligence, is barred from recovery; Claimant is barred from recovery based upon the Equitable Doctrine of Estoppel.

#### RELIEF REQUESTED

Claimant requested:

Compensatory Damages	\$32,944.00
Attorney's Fee	\$15,000.00
Other Costs	unspecified
Other Monetary/Non-Monetary Relief:	unspecified

Respondent Suretrade Inc. requested:

Other Monetary/Non-Monetary Relief if any: unspecified

#### OTHER ISSUES CONSIDERED AND DECIDED

At the conclusion of the hearing, the arbitration panel found no evidence of alteration of any documents presented and admitted into evidence.

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 request are hereby dismissed and denied in their entirety;
2. That any and all relief not specifically address herein, including punitive damages, is 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	= \$175.00
--------------------------	------------

#### 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 at the time of the events giving rise to the dispute. In this matter, the member firm is a party.

Member surcharge	= \$800.00
Pre-hearing process fee	= \$600.00
Hearing process fee	= \$1000.00

#### 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(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 a single arbitrator x \$450.00	= \$450.00
Pre-hearing conference: August 2, 2000	1 session

One (1) Pre-hearing session(s) with Panel x \$600.00	= \$600.00
Pre-hearing conference: June 13, 2000	1 session

Four (4) Hearing sessions x \$600.00	= \$2,400.00
Hearing Dates: October 25, 2000	2 sessions
October 26, 2000	2 sessions

---

Total Forum Fees	= \$3,450.00
------------------	--------------

1. The Arbitration Panel has assessed \$1725.00 of the forum fees to Claimant Mitchell G. Case.
2. The Arbitration Panel has assessed \$1725.00 of the forum fees to Respondent Suretrade, Inc.

Fee Summary

1. Claimant, Mitchell G. Case, be and hereby is solely liable for:

Initial Filing Fee	= \$175.00
Forum Fees	= \$1,725.00
<u>Administrative Costs</u>	= \$0
Total Fees	= \$1,900.00
<u>Less payments</u>	= \$ 775.00
Balance Due NASD Regulation, Inc.	= \$1,125.00

2. Respondent, Suretrade, Inc., be and hereby is solely liable for:

Member Fees	= \$2,400.00
Forum Fees	= \$1,725.00
<u>Administrative Costs</u>	= \$ 0
Total Fees	= \$4,125.00
<u>Less payments</u>	= \$1,800.00
Balance Due NASD Regulation, Inc.	= \$2,325.00

All balances are due to NASD Regulation, Inc.

Concurring Arbitrators' Signature

/s/ G. Maynard Green

November 22, 2000

\_\_\_\_\_  
G. Maynard Green  
Public Arbitrator, Presiding Chair

\_\_\_\_\_  
Signature Date

/s/ Jeff Abrams

November 24, 2000

\_\_\_\_\_  
Jeff Abrams  
Public Arbitrator

\_\_\_\_\_  
Signature Date

/s/ Todd G. Gough

November 27, 2000

\_\_\_\_\_  
Todd G. Gough  
Industry Arbitrator

\_\_\_\_\_  
Signature Date

Fee Summary

1. Claimant, Mitchell G. Case, be and hereby is solely liable for:

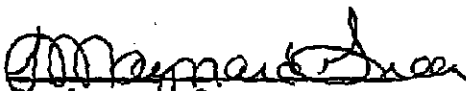
Initial Filing Fee	= \$175.00
Forum Fees	= \$1,725.00
<u>Administrative Costs</u>	= \$0
Total Fees	= \$1,900.00
<u>Less payments</u>	= \$ 775.00
Balance Due NASD Regulation, Inc.	= \$1,125.00

2. Respondent, Suretrade, Inc., be and hereby is solely liable for:

Member Fees	= \$2,400.00
Forum Fees	= \$1,725.00
<u>Administrative Costs</u>	= \$0
Total Fees	= \$4,125.00
<u>Less payments</u>	= \$1,800.00
Balance Due NASD Regulation, Inc.	= \$2,325.00

All balances are due to NASD Regulation, Inc.

Concurring Arbitrators' Signature

  
G. Maynard Green  
Public Arbitrator, Presiding Chair

11-22-00  
Signature Date

\_\_\_\_\_  
Jeff Abrams  
Public Arbitrator

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Todd G. Gough  
Industry Arbitrator

\_\_\_\_\_  
Signature Date

Fee Summary

1. Claimant, Mitchell G. Case, be and hereby is solely liable for:

Initial Filing Fee	= \$175.00
Forum Fees	= \$1,725.00
<u>Administrative Costs</u>	= \$0
Total Fees	= \$1,900.00
<u>Less payments</u>	= \$ 775.00
Balance Due NASD Regulation, Inc.	= \$1,125.00

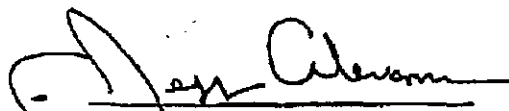
2. Respondent, Suretrade, Inc., be and hereby is solely liable for:

Member Fees	= \$2,400.00
Forum Fees	= \$1,725.00
<u>Administrative Costs</u>	= \$ 0
Total Fees	= \$4,125.00
<u>Less payments</u>	= \$1,800.00
Balance Due NASD Regulation, Inc.	= \$2,325.00

All balances are due to NASD Regulation, Inc.

Concurring Arbitrators' Signature

\_\_\_\_\_  
G. Maynard Green  
Public Arbitrator, Presiding Chair

  
\_\_\_\_\_  
Jeff Abrams  
Public Arbitrator

\_\_\_\_\_  
Todd G. Gough  
Industry Arbitrator

\_\_\_\_\_  
Signature Date

11-24-2000  
\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Signature Date

1. Claimant, Mitchell G. Case, be and hereby is solely liable for:

Initial Filing Fee	= \$175.00
Forum Fees	= \$1,725.00
<u>Administrative Costs</u>	= \$0
Total Fees	= \$1,900.00
<u>Less payments</u>	= \$ 775.00
Balance Due NASD Regulation, Inc.	= \$1,125.00

2. Respondent, Suretrade, Inc., be and hereby is solely liable for:

Member Fees	= \$2,400.00
Forum Fees	= \$1,725.00
<u>Administrative Costs</u>	= \$0
Total Fees	= \$4,125.00
<u>Less payments</u>	= \$1,800.00
Balance Due NASD Regulation, Inc.	= \$2,325.00

All balances are due to NASD Regulation, Inc.

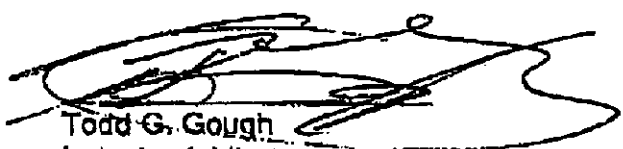
Concurring Arbitrators' Signature

\_\_\_\_\_  
G. Maynard Green  
Public Arbitrator, Presiding Chair

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Jeff Abrams  
Public Arbitrator

\_\_\_\_\_  
Signature Date

  
\_\_\_\_\_  
Todd G. Gough  
Industry Arbitrator

11-27-00  
\_\_\_\_\_  
Signature Date