

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between

Name of Claimant

Michelle Toneff

Case No. 99-04103

Name of Respondent

Ameritrade, Inc.

REPRESENTATION OF PARTIES

Michelle Toneff, hereinafter referred to as "Claimant", appeared pro se.

For Ameritrade, Inc. ("Ameritrade"), hereinafter referred to as "Respondent": James J. Vihstadt, Regulatory Attorney, Ameritrade.

CASE INFORMATION

Statement of Claim filed on or about: September 4, 1999.

Claimant signed the Uniform Submission Agreement: September 2, 1999.

Statement of Answer filed by Respondent on or about: November 30, 1999.

Respondent signed the Uniform Submission Agreement: March 22, 2000.

CASE SUMMARY

Claimant asserted the following: Respondent failed to properly follow her instructions to sell 3,000 shares of stock in Wal Mart Stores, Inc. at \$35.00 per share. Respondent's misrepresentations and failure to act in a timely manner to execute the trade caused Claimant to incur a loss and to suffer emotional distress.

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim and asserted the following: Respondent properly handled Claimant's sell order, with the terms set by her, by processing that order and routing it to the market for execution in a timely manner. Ameritrade should not now be held liable for damages claimed by Claimant.

RELIEF REQUESTED

Claimant requested damages in the sum of \$15,000.00.

Respondent requested that the Statement of Claim be dismissed and that all costs be assessed to Claimant.

AWARD

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

Claimant's claims are dismissed in their entirety.

All other requests for relief not specifically addressed herein are denied.

FEES

Pursuant to the NASD-DR Code of Arbitration Procedure (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 = \$125.00

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, the member firm is a party.

Member surcharge = \$400.00

Forum Fees and Assessments

Pursuant to Rule 10302(c) of the Code, the Arbitrator has determined that NASD Dispute Resolution, Inc. shall retain the \$300.00 hearing session deposit previously deposited by Claimant.

Administrative Costs

Administrative costs are expenses incurred due to a request by a party for special services including, but not limited to, additional copies of arbitrator awards beyond those provided without charge, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

No administrative costs were incurred by the parties.

Fee Summary

Claimant be and hereby is solely liable for:

Initial Filing Fee = \$125.00

Forum Fees	= \$300.00
Total Fees	= \$425.00
<u>Less payments</u>	<u>= \$425.00</u>
Balance Due NASD Dispute Resolution, Inc.	= \$0.00

Respondent be and hereby is solely liable for:

Member Fees	= \$400.00
Total Fees	= \$400.00
<u>Less payments</u>	<u>= \$400.00</u>
Balance Due NASD Dispute Resolution, Inc.	= \$0.00

Arbitrator's Signature

/s/
James R. McGuone, Esq.
Public Arbitrator, Presiding Chair

October 3, 2000
Signature Date

October 3, 2000
Date of Service-For NASD-DR office use only)

Forum Fees	= \$300.00
Total Fees	= \$425.00
<u>Less payments</u>	<u>= \$425.00</u>
Balance Due NASD Dispute Resolution, Inc.	= \$0.00

Respondent be and hereby is solely liable for:

Member Fees	= \$400.00
Total Fees	= \$400.00
<u>Less payments</u>	<u>= \$400.00</u>
Balance Due NASD Dispute Resolution, Inc.	= \$0.00

Arbitrator's Signature



James R. McGuone, Esq.
Public Arbitrator, Presiding Chair

10.3.2000
Signature Date

Date of Service-For NASD-DR office use only)