

N.A.S.D. REGULATION AWARD
NATIONAL ASSOCIATION OF SECURITIES DEALERS REGULATION, INC.

CASE: 99-04744

The Joseph D. Gee & Lynn Gee Trust, claimant vs. Discover Brokerage Direct, Inc., n/k/a Morgan Stanley Dean Witter Online, Inc., respondent.

ATTORNEYS:

For Claimant Joseph D. Gee & Lynn Gee Trust ("Claimant"), Joseph D. Gee, Barstow, California.

For Respondent Discover Brokerage Direct n/k/a Morgan Stanley Dean Witter Online, Inc. ("Respondent"), appeared Judith M. Rosenberg, Esq., in-house counsel, San Francisco, California.

DATE FILED: 10/20/1999

CASE SUMMARY: Claimant alleged that on November 30, 1998, he placed a limit order, through Respondent, for 500 shares of Book-A-Million ("BAMM"). Claimant maintained that this order did not immediately execute, therefore, he canceled the order. Claimant further alleged that on December 2, 1998, he discovered that 500 shares of BAMM had been placed into his account. Claimant further maintained that the price of BAMM decreased sharply and it is for this reason that he instituted this action.

Claim Data

Claim: \$12,264.95

Interest: \$3,353.00 i.e. 20% per annum from December 2, 1998

Punitive: \$9,382.05

Filing Fees: \$.00

Award Data

Award: \$4,750.00

Interest: \$414.70 i.e. at the rate of 10% per annum from 12/2/98 to 10/18/99

Punitive: \$.00

Filing Fees: \$425.00

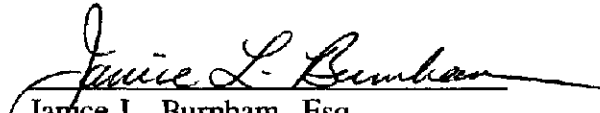
AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) Respondent is liable and shall pay to the claimant \$4,750.00. 2) Respondent is liable and shall pay to the claimant \$414.70 as interest accruing from 12/2/98 through 10/18/99, at the rate of 10% per annum. 3) All requests for punitive damages are denied. 4) All other relief requests are denied. 5) The \$425.00 filing fee previously deposited with the National Association of Securities Dealers Regulation, Inc. by the claimant, shall be retained by NASD Regulation, Inc. 6) Respondent is liable and shall pay claimant \$425.00 as reimbursement of the filing fee.

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OTHER FEES: Pursuant to Rule 10333 of the Code, respondent has paid to NASD Regulation, Inc. the \$400.00 Member Surcharge previously invoiced.

AFFIRMATION

I, Janice L. Burnham, do hereby affirm, upon my oath as arbitrator that I am the individual described herein who executed this instrument, which is my oath and award.


Janice L. Burnham, Esq.

June 21, 2000
Date of award