

AWARD**NASD REGULATION, INC.**

In the matter of the Arbitration Between

Name of ClaimantMelvin M. Kramer, Trustee of
the Melvin M. Kramer &
Rosalie J. Kramer Trust

v.

Arbitration No.
98-04957**Name of Respondent**

Discover Brokerage Direct, Inc.

REPRESENTATION

For Claimant:

George David Howard, Esq.
Law Offices of
George David Howard, Esq.
San Diego, California

For Respondent:

Robert T. Sullwold, Esq.
Sullwold & Hughes
San Francisco, California**CASE INFORMATION**

Statement of Claim filed:

December 29, 1998

Claimant's Submission Agreement signed:

December 16, 1998

Statement of Answer
filed by Respondent:

February 3, 1999

Respondent Submission Agreement signed: February 3, 1999

HEARING INFORMATION

Pre-Hearing Conference Date / Session: May 5, 1999 (1 Session)
Hearing Date / Sessions: June 24, 1999 (2 Sessions)
Hearing Location: San Diego, California

CASE SUMMARY

Claimant alleged that Respondent made negligent misrepresentations that an order to cancel had been fulfilled and failed to notify the Claimant that the order to cancel was late.

Respondent denied each and every allegation of wrongdoing set forth in the Claimant's Statement of Claim.

RELIEF REQUESTED

Claimant sought \$21,655.00 in compensatory damages, costs and fees.

Respondent requested dismissal of the Claimant's Statement of Claim in its entirety, costs of arbitration, and attorney's fees.

OTHER ISSUES CONSIDERED AND DECIDED

The parties have agreed that a handwritten, signed Award may be entered. The parties have agreed to receive conformed copies of the Award while the original remains on file with the NASD Regulation, Inc., Office of Dispute Resolution.

AWARD

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

- 1) Respondent is liable to and shall pay Claimant the sum of \$5,938.00 in compensatory damages.
- 2) The parties shall each bear their respective costs, including attorney's fees.
- 3) All relief not expressly granted is denied.

FORUM FEES

Pursuant to Rule 10332(c) of the Code of Arbitration Procedure, the following forum fees are assessed:

One Pre-Hearing Conference Session @ \$300.00 / Session (waived by arbitrator)	= \$ 0.00
<u>Two Hearing Sessions @ \$300.00 / Session</u>	<u>= \$ 600.00</u>
Total Fees Assessed	= \$ 600.00
Claimant's One-Half Share	= \$ 300.00
Credit For Hearing Session Deposit and Overpayment	= \$ (425.00)
<u>Refund Due Claimant</u>	<u>= \$ (125.00)</u>
<u>Respondent's One-Half Share</u>	<u>= \$ 300.00</u>
Respondent's Balance Due	= \$ 300.00

Fees are payable to NASD Regulation, Inc.

OTHER FEES

Pursuant to Rule 10333 of the Code, Respondent Discover Brokerage Direct, Inc. has paid to NASD Regulation, Inc. the \$400.00 member surcharge previously invoiced.

ARBITRATOR

Name

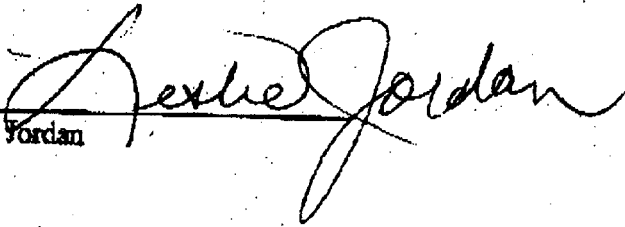
Leslie Jordan

Public / Industry

Public Arbitrator

Arbitrator's Signature

Leslie Jordan

A handwritten signature in cursive script that reads "Leslie Jordan". The signature is written over a horizontal line.

Date of Service: August 19, 1999