

**Award**  
**NASD Dispute Resolution, Inc.**

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In the Matter of the Arbitration Between:

Evgeny Swarovski, Claimant v. Charles Schwab & Co., Inc., Respondent

Case Number: 00-03343

Hearing Site: San Diego, California

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**REPRESENTATION OF PARTIES**

For Claimant:

Evgeny Swarovski  
In Pro Per  
San Diego, California

For Respondent:

Curt H. Mueller, Esq.  
Charles Schwab & Co., Inc.  
San Francisco, California

**CASE INFORMATION**

Statement of Claim filed: August 3, 2000

Claimant's Uniform Submission Agreement signed: August 3, 2000

Statement of Answer filed by Respondent Charles Schwab & Co., Inc.: October 2, 2000

Respondent's Uniform Submission Agreement signed: October 2, 2000

**CASE SUMMARY**

Claimant alleged breach of contract, misrepresentation, and manipulation. The dispute involved the purchase and/or sale of 3Com Corp. stock.

Respondent denied the allegations of wrongdoing set forth in the Claimant's Statement of Claim.

**RELIEF REQUESTED**

Claimant requested \$109,905.00 in compensatory damages, \$300,000.00 in punitive damages, and \$100.00 for reimbursement of arbitration costs.

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

**OTHER ISSUES CONSIDERED AND DECIDED**

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

- 1) Claimant's claims are denied in their entirety.
- 2) The parties shall bear their respective costs, including attorney's fees.
- 3) All other relief requested and not expressly granted is denied.

**FEES**

Pursuant to the Code, the following fees are assessed:

**Filing Fees**

NASD Dispute Resolution, Inc. received or will collect the non-refundable filing fees for each claim as follows:

Initial claim filing fee	= \$ 300.00
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**Member Fees**

Member fees are assessed to each member firm that is either a party in the matter or an employer of a respondent associated person at the time of the events which gave rise to the dispute, claim, or controversy. Accordingly, the member firm Charles Schwab & Co., Inc. is a party and the following fees are assessed:

Member Surcharge	= \$ 1,500.00
Pre-Hearing Process Fee	= \$ 600.00
Hearing Process Fee	= \$ 2,500.00
<b>Total Member Fees</b>	<b>= \$ 4,600.00</b>

**Forum Fees and Assessments**

The Panel assessed a forum fee for each pre-hearing conference or hearing session conducted. A pre-hearing conference and hearing session is any meeting between the parties and the Panel. The following fees are assessed:

1 Pre-hearing conference session with the Panel @ \$ 1,125.00/session	= \$ 1,125.00
Pre-hearing conference: March 8, 2001 1 session	
1 Hearing session @ \$ 1,125.00/session	= \$ 1,125.00
Hearing: August 21, 2001 1 session	
<b>Total Forum Fees</b>	<b>= \$ 2,250.00</b>

The Panel assessed \$ 2,250.000 of the forum fees to Claimant Evgeny Swarovski.

**Fee Summary**

1. Claimant Evgeny Swarovski is charged with the following fees and costs:

Initial Filing Fee	= \$ 300.00
<u>Forum Fees</u>	<u>= \$ 2,250.00</u>
Total Fees	= \$ 2,550.00
<u>Less payments</u>	<u>=(1,425.00)</u>
<b>Balance Due NASD Dispute Resolution, Inc.</b>	<b>= \$ 1,125.00</b>

2. Respondent Charles Schwab & Co., Inc. is charged with the following fees and costs:

Member Fees	= \$ 4,600.00
<u>Less payments</u>	<u>=(2,700.00)</u>
<b>Balance Due NASD Dispute Resolution, Inc.</b>	<b>= \$ 1,900.00</b>

All balances are payable to NASD Dispute Resolution, Inc. and are due upon the receipt of the Award pursuant to Rule 10330(g) of the Code.

ARBITRATION PANEL

Richard J. Rosenthal	-	Public Arbitrator, Presiding Chair
Eugene A. Taylor, Jr.	-	Public Arbitrator
Sidney Jacobsen, Esq.	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

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Richard J. Rosenthal  
Chair, Public Arbitrator

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Signature Date

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Eugene A. Taylor, Jr.  
Public Arbitrator

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Signature Date

  
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Sidney Jacobsen, Esq.  
Non-Public Arbitrator

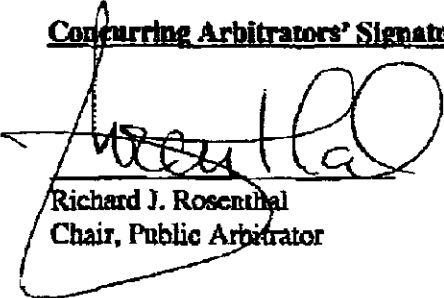
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9/6/01  
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Date of Service

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Chair, Public Arbitrator


  
Signature Date

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Eugene A. Taylor, Jr.  
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