

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between

Name of Claimant

Rajendra D. Chhetri

Case No. 00-03722

Name of Respondent

Datek Online

Hearing Site: Washington, D.C.

REPRESENTATION OF PARTIES

Claimant Rajendra D. Chhetri ("Claimant") represented himself.

Respondent, Datek Online ("Respondent"): G. Thomas Fleming III, Jones, Bell, Abbott, Fleming & Fitzgerald L.L.P., Los Angeles, California.

CASE INFORMATION

Statement of Claim filed on: August 21, 2000

Claimant signed the Uniform Submission Agreement: August 21, 2000

Statement of Answer and Counterclaim filed by Respondent on: November 3, 2000

Respondent signed the Uniform Submission Agreement: September 22, 2000

CASE SUMMARY

Claimant asserted the following causes of action: failure to credit a wire transfer to Claimant's account; negligent business practices; and lost opportunity. The causes of action relate to transactions involving Viador Inc. stock.

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim and asserted the following defenses: Claimant knew, or should have known, that Respondent would not accept his third-party wire transfers; Claimant breached his agreement with Respondent by failing to maintain an adequate margin balance in his account; Claimant expressly authorized Respondent to liquidate his account without prior notice upon breach of customer contract; Claimant's attempted wire transfers violated

Respondent's policies; Claimant's customer agreement and New York Law preclude any award of lost profit damages; Claimant is not entitled to punitive damages; Claimant fails to state a claim upon which relief may be granted; Claimant's behavior was negligent; Claimant's failure to mitigate bars any recovery; Claimant knowingly and voluntarily assumed a risk; Claimant is estopped from any recovery by his own conduct; and, Claimant's claims are barred by all applicable statutes of limitations.

Respondent asserted the following Counterclaims: breach of contract; failure to repay the margin balance debt incurred under the contract.

RELIEF REQUESTED

Claimant requested:

Compensatory Damages	\$6,080.00
Punitive Damages	\$3,920.00

Respondent requested:

Compensatory Damages	\$1,406.70
Interest	unspecified amount
Attorneys' Fees	unspecified amount
Other Costs	unspecified amount

OTHER ISSUES CONSIDERED AND DECIDED

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 Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. That Claimant's claim is denied in its entirety;
2. That Claimant's claim for punitive damages is denied in its entirety;
3. That Claimant is liable to Respondent on its counterclaim and shall pay to Respondent the sum of \$1,399.48 in compensatory damages; that simple interest at the rate of 9% shall begin to accrue on this awarded amount 30 days after the service

of this award and continue to accrue until the date the award is paid;

4. That Claimant is liable to Respondent and shall pay to Respondent the sum of \$8,500.00 in attorneys' fees and \$1,815.00 in costs. The authority for the award of attorneys' fees and costs is pursuant to the Datek Online Customer Agreement and the Datek Online Individual Account Application, as executed by Claimant on April 30, 2000;
5. That Claimant shall bear his respective costs;
6. That the Arbitrator's assessment of Fees are specifically addressed below;
7. Any and all claims for damages not specifically addressed herein are denied in their entirety.

FEES

Pursuant to 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	= \$ 75
Counter claim filing fee	= \$ 300

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	= \$ 300
------------------	----------

Forum Fees and Assessments

The arbitrator has the authority to assess forum fees for each hearing session conducted. A hearing session is any meeting between the parties and the arbitrator, including a pre-hearing conference with the arbitrator, that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with a single arbitrator x \$450	= \$ 450
Pre-hearing conference: June 6, 2001 1 session	
Two (2) Hearing sessions with a single arbitrator x \$450	= \$ 900
Hearing Date: November 2, 2001 2 sessions	

Total Forum Fees	= \$1,350
------------------	-----------

The arbitrator has assessed \$1,125 of the forum fees to Claimant.
The arbitrator has assessed \$225 of the forum fees to Respondent.

Fee Summary

Claimant is assessed the following fees:

Initial Filing Fee	= \$ 75
Forum Fees	= \$ 1,125

Total Fees	= \$ 1,200
Less payments	= \$ 575

Balance Due NASD Dispute Resolution, Inc.	= \$ 625
---	----------

Respondent is assessed the following fees:

Filing Fee	= \$ 300
Member Fees	= \$ 300
Forum Fees	= \$ 225

Total Fees	= \$ 825
Less payments	= \$ 1,200

Refund from NASD Dispute Resolution, Inc.	= \$ 375
---	----------

All balances are due to NASD Dispute Resolution, Inc.

ARBITRATION PANEL

Michael H. McConihe, Esq.	-	Public Arbitrator, Presiding Chairman
---------------------------	---	---------------------------------------

NASD Dispute Resolution, Inc.

Arbitration No. 00-03722

Award Page 5

Arbitrator's Signature



Michael H. McConihe, Esq.
Public Arbitrator, Presiding Chairman

12.12.01

Signature Date

12/12/01

Date of Service (For NASD-Dispute Resolution office use only)