

NASD Dispute Resolution, Inc.
Arbitration No. 00-04015
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Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between:
Dr. Soheil Hekmat v. TD Waterhouse Investor Services, Inc. and Robert Koch
Case Number: 00-04015 Hearing Site: Los Angeles, California

REPRESENTATION OF PARTIES

For Claimant:

Dr. Soheil Hekmat
In Pro Per
Los Angeles, California

For Respondents:

John L. Erikson, Jr., Esq.
Jones, Bell Abbott, Fleming &
Fitzgerald
Los Angeles, California

CASE INFORMATION

Statement of Claim filed: September 27, 2000

Claimant's Uniform Submission Agreement signed: September 11, 2000

Joint Statement of Answer and Motion to Dismiss filed by Respondents: November 17, 2000

CASE SUMMARY

Claimant alleged breach of contract, breach of fiduciary duty, negligence, failure to follow Claimant's instructions, constructive fraud, and violation of Section 10(b) of the Securities Exchange Act. The case involves the purchase of shares of Acubid stock.

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

RELIEF REQUESTED

Claimant requested compensatory damages of \$28,000.00.

Respondents requested dismissal of the Claimant's Statement of Claim in its entirety and that Claimant be made to bear all expenses in connection with this matter.

OTHER ISSUES CONSIDERED AND DECIDED

Respondents did not file with NASD Dispute Resolution, Inc. properly executed submission agreements but are required to submit to arbitration pursuant to the Code and having answered the claim, appeared and testified at the hearing, are bound by the determination of the Arbitrator on all issues submitted.

The parties agreed that a handwritten, signed Award may be entered.

AWARD

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

- 1) All of the Claimant's claims are denied in their entirety.
- 2) Each party shall bear its own costs, including attorney's fees.
- 3) The Arbitrator recommends the expungement of all reference to the above captioned arbitration from Respondent Robert Koch registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notice to Members 99-09, Respondent Robert Koch must obtain confirmation from a court of competent jurisdiction before CRD will execute the expungement directive.
- 4) All relief 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 = \$ 150.00

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 TD Waterhouse Investor Services, Inc. is a party and the following fees are assessed:

Member Surcharge	= \$ 600.00
Pre-hearing Process Fee	= \$ 600.00
<u>Hearing Process Fee</u>	= \$ 1,000.00
Total Member Fees	= \$ 2,200.00

Forum Fees and Assessments

The Arbitrator 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 Arbitrator. The following fees are assessed:

(1) Pre-hearing conference session with a single arbitrator @ \$ 450.00/session = \$ 450.00
Pre-hearing conferences: February 15, 2001

(1) Hearing session @ \$450.00/session = \$ 450.00
Hearing: March 19, 2001

Total Forum Fees = **\$ 900.00**

1. The Arbitrator assessed \$450.00 of the forum fees to Claimant Dr. Soheil Hekmat.
2. The Arbitrator assessed \$450.00 of the forum fees to Respondent TD Waterhouse Investor Services, Inc.

Fee Summary

1. Claimant Dr. Soheil Hekmat is charged with the following fees and costs:

Initial Filing Fee	= \$ 150.00
<u>Forum Fees</u>	= \$ 450.00
<u>Total Fees</u>	= \$ 600.00
<u>Less Payments</u>	= \$ (600.00)
Balance Due NASD Dispute Resolution, Inc.	= \$ 0

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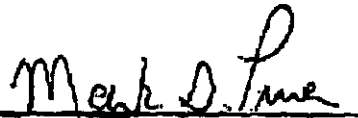
2. Respondent TD Waterhouse Investor Services, Inc. is charged with the following fees and costs:

Member Fees	= \$ 2,200.00
<u>Forum Fees</u>	<u>= \$ 450.00</u>
Total Fees	= \$ 2,650.00
<u>Less Payments</u>	<u>= \$ (600.00)</u>
Balance Due NASD Dispute Resolution, Inc.	= \$ 2,050.00

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

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Arbitrator's Signature


Mark S. Priver
Chair, Public Arbitrator

3/19/01
Signature Date

3/19/01
Date of Service