

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between:
Clyde J. and Ethel L. Dawson Family Trust, Claimant v. T.D. Waterhouse Investor Services, Inc.,
Respondent

Case Number: 00-04090

Hearing Site: Los Angeles, California

REPRESENTATION OF PARTIES

For Claimant:

Steven L. Miller, Esq.
Law Offices of Steven L.
Miller
Woodland Hills, California

Kenneth S. Gaines, Esq.
Kenneth S. Gaines,
A Professional Corporation
Woodland Hills, California

For Respondent:

Cara L. Finan, Esq.
Julie A. Kole, Esq.
Keesal, Young & Logan
San Francisco, California

Janis Campanella, Esq.
T.D. Waterhouse Investor
Services, Inc.
New York, New York

CASE INFORMATION

Statement of Claim filed: September 1, 2000

Claimant's Uniform Submission Agreement signed: August 29, 2000

Statement of Answer filed by Respondent T.D. Waterhouse Investor Services, Inc.: November 15, 2000

Respondent's Uniform Submission Agreement signed: November 15, 2000

CASE SUMMARY

Claimant alleged unauthorized trading of Qualcomm and Cyprus Semiconductor stock.

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

RELIEF REQUESTED

Claimant requested \$54,408.00 in compensatory damages plus interest from June 1, 2000.

Claimant also requested \$15,000.00, which represented Claimant's lost opportunity to purchase Boeing stock.

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

OTHER ISSUES CONSIDERED AND DECIDED

On January 8, 2001, NASD Dispute Resolution, Inc. received notification that the parties wished to proceed under the Single Arbitrator Pilot Program.

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) Respondent T.D. Waterhouse Investor Services, Inc. is liable to and shall pay Claimant \$54,408.00 in compensatory damages.
- 2) Respondent T.D. Waterhouse Investor Services, Inc. is liable to and shall pay Claimant interest at the rate of 10% per annum simple interest from June 1, 2000 until the date of the Award.
- 3) The parties shall bear their respective costs, including attorney's fees.
- 4) 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	= \$ 225.00
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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 T.D. Waterhouse Investor Services, Inc. is a party and the following fees are assessed:

Member Surcharge	= \$ 1,000.00
Pre-Hearing Process Fee	= \$ 600.00
<u>Hearing Process Fee</u>	<u>= \$ 1,500.00</u>
Total Member Fees	= \$ 3,100.00

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 conference: April 23, 2001 1 session	

2 Hearing sessions @ \$ 450.00/session	= \$ 900.00
Hearing: August 13, 2001 2 sessions	

Total Forum Fees	= \$ 1,350.00
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1. The Arbitrator assessed \$ 675.00 of the forum fees to Claimant Clyde J. and Ethel L. Dawson Family Trust.
2. The Arbitrator assessed \$ 675.00 of the forum fees to Respondent T.D. Waterhouse Investor Services, Inc.

Fee Summary

1. Claimant Clyde J. and Ethel L. Dawson Family Trust is charged with the following fees and costs:

Initial Filing Fee	= \$ 225.00
<u>Forum Fees</u>	= \$ 675.00
Total Fees	= \$ 900.00
<u>Less payments</u>	= \$(975.00)
Refund Due Claimant	= \$ (75.00)

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

Member Fees	= \$ 3,100.00
<u>Forum Fees</u>	= \$ 675.00
Total Fees	= \$ 3,775.00
<u>Less payments</u>	= \$(3,100.00)
Balance Due NASD Dispute Resolution, Inc.	= \$ 675.00

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.

ARBITRATOR

Delores I. Smith, Esq.

- Public Arbitrator, Presiding Chair

Arbitrator's Signature

Delores I. Smith, Esq.
Delores I. Smith, Esq.
Chair, Public Arbitrator

August 27, 2001
Signature Date

7/28/01
Date of Service