

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION, INC.

CASE: 00-04205

Danny F. Wu, claimant vs. Fidelity Brokerage Services LLC, respondent.

ATTORNEYS:

Claimant, Danny F. Wu appeared Pro Se, Germantown, MD.

For Respondents Fidelity Brokerage Services LLC appeared David C. Boch, Esq., of the firm Bingham Dana LLP, Boston, MA.

DATE FILED: September 17, 2000

CASE SUMMARY: Claimant alleged that respondent failed to execute a sell order of 8,500 shares of stock and instead cancelled the transaction and reallocated claimant's shares resulting in a financial loss.

Claim Data

Claim: \$18,468.85
Punitive: \$6,000.00
Filing Fees: \$425.00
Interest: unspecified

Award Data

Award: \$2,497.39
Punitive: \$.00
Filing Fees: \$425.00
Interest: 10% per annum
from 9/17/00 to date of award.

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) Respondent is liable and shall pay to the claimant \$2,497.39. 2) All requests for punitive damages are denied. 3) Respondent is liable and shall pay to the claimant interest at 10% per annum from 9/17/00 to date of award. 4) All other relief requests are denied. 5) The \$425.00 filing fee previously deposited with NASD Dispute Resolution, Inc. by the claimant, shall be retained by NASD Dispute Resolution, Inc. 6) Respondent is liable and shall pay claimant \$425.00 as reimbursement of the filing fee.

OTHER FEES: Pursuant to Rule 10333 of the Code, respondent has paid to NASD Dispute Resolution, Inc. the \$400.00 Member Surcharge previously invoiced.

OTHER ISSUES: Respondent's motion to transfer arbitration out of the simplified arbitration program and into an arbitration hearing was denied pursuant to NASD Rule 10302(f).

ARBITRATOR'S REPORT: Claimant is not entitled to profit on sale of 8,500 shares of ATT Wireless (AWE). Respondent says claimant is entitled to 1319 (AWE) shares, but he received only 1230. Respondent did not inform claimant that it had given him improper information or give him an opportunity to provide additional funds or mitigate his losses by choosing which stock to liquidate.

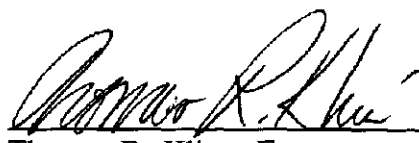
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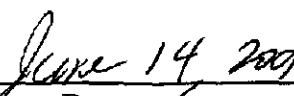
Thomas R. Kline, Esq.

Public Arbitrator

AFFIRMATION

I, Thomas R. Kline, do hereby affirm, upon my oath as arbitrator that I am the individual described herein who executed this instrument, which is my oath and award.


Thomas R. Kline, Esq.


Signature Date

June 20, 2001
Date of Service (for NASD office use only)