

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between:

Rob Huizenga and Wanda Huizenga, Claimants v. TD Waterhouse Investor Services, Inc.,
Respondent

Case Number: 00-04483

Hearing Site: Los Angeles, California

REPRESENTATION OF PARTIES

For Claimants:

Rob Huizenga
In Pro Per
Los Angeles, California

For Respondent:

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

CASE INFORMATION

Statement of Claim filed: October 9, 2000

Claimants' Uniform Submission Agreement signed: September 28, 2000

Statement of Answer filed by Respondent: December 7, 2000

Respondent's Uniform Submission Agreement signed: December 7, 2000

CASE SUMMARY

Claimants alleged breach of contract, breach of fiduciary duty, negligence, failure to supervise, and misrepresentation. The allegations arose from the sale of ONE and LU securities.

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

RELIEF REQUESTED

Claimants requested \$18,663.00 in compensatory damages, and \$18,663.00 in punitive damages.

Respondent requested dismissal of the Claimants' Statement of Claim in its entirety, and sought an award of costs and attorney's fees.

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 shall take nothing under the claim.
- 2) The decision to assess costs to the Respondent is based on two factors:
 - a) The fact that the Risk Management Officer did not appear before the panel; and
 - b) The fact that the TD Waterhouse Investor Services, Inc.'s system does not allow the client to sell stock that he owns and has actually paid for when he is locked out of the system due to a margin call.
- 3) Each party shall bear its own costs, including attorney's fees.
- 4) All other 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 = \$ 175.00

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 that 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	= \$ 800.00
Pre-Hearing Process Fee	= \$ 600.00
<u>Hearing Process Fee</u>	= \$ 1,000.00
Total Member Fees	= \$ 2,400.00

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 @ \$600.00/session	= \$ 600.00
Pre-hearing conference: April 17, 2001 1 session	
2 Hearing sessions @ \$600.00/session	= \$ 1,200.00
Hearings: June 6, 2001 2 sessions	
Total Forum Fees	= \$ 1,800.00

The Panel assessed \$ 1,800.00 of the forum fees to Respondent.

Fee Summary

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

Initial Filing Fee	= \$ 175.00
<u>Less Payments</u>	= \$(775.00)
Refund Due Claimant	= \$(600.00)

2. Respondent is charged with the following fees and costs:

Member Fees	= \$ 2,400.00
<u>Forum Fees</u>	<u>= \$ 1,800.00</u>
Total Fees	= \$ 4,200.00
<u>Less Payments</u>	<u>= \$(1,400.00)</u>
Balance Due NASD Dispute Resolution, Inc.	= \$ 2,800.00

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

ARBITRATION PANEL

Newton Ira Waldman, Esq.
Terry A. O'Connell
Richard M. Leigh

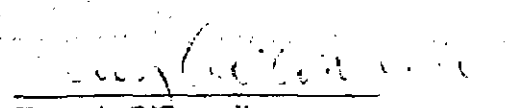
Public Arbitrator, Presiding Chair
Public Arbitrator
Non-Public Arbitrator

Concurring Arbitrators' Signatures



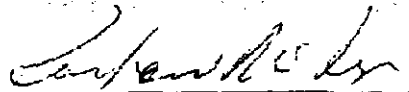
Newton Ira Waldman, Esq.
Chair, Public Arbitrator

6/13/01
Signature Date



Terry A. O'Connell
Public Arbitrator

6-13-01
Signature Date



Richard M. Leigh
Non-Public Arbitrator

6-13-01
Signature Date

6-14-01
Date of Service