

**Award**  
**NASD Dispute Resolution, Inc.**

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In the Matter of the Arbitration Between:

Tejwinder S. Kahlon, Claimant v. Fidelity Brokerage Services, Inc., Respondent

Case Number: 00-04631

Hearing Site: Los Angeles, California

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**REPRESENTATION OF PARTIES**

For Claimant:

David Liebrader, Esq.  
The Law Offices of David  
Liebrader  
Irvine, California

For Respondent:

W. Douglas Kari, Esq.  
Brian H. Newman, Esq.  
Orrick, Herrington &  
Sutcliffe LLP  
Los Angeles, California

**CASE INFORMATION**

Statement of Claim filed: October 11, 2000

Claimant's Uniform Submission Agreement signed: December 6, 2000

Statement of Answer filed by Respondent: March 23, 2001

Respondent's Uniform Submission Agreement signed: March 22, 2001

**CASE SUMMARY**

Claimant alleged breach of fiduciary duty and negligence. The dispute involved the purchase and/or sale of Emulex stock.

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

**RELIEF REQUESTED**

Claimant requested \$66,400.00 in compensatory damages, interest, attorney's fees, and arbitration costs.

### **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's claims are denied in their entirety.
- 2) The parties shall bear their respective costs, including attorney's fees.
- 3) 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 Fidelity Brokerage Services, Inc. is a party and the following fees are assessed:

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

**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 Chair/Panel. The following fees are assessed:

1 Pre-hearing conference session with a single arbitrator @ \$ 450.00/session	= \$ 450.00
Pre-hearing conference: November 12, 2001 1 session	
1 Pre-hearing conference session with the Panel @ \$ 750.00/session	= \$ 750.00
Pre-hearing conference: August 20, 2001 1 session	
2 Hearing sessions @ \$ 750.00/session	= \$ 1,500.00
Hearing: December 11, 2001 2 sessions	
<b>Total Forum Fees</b>	<b>= \$ 2,700.00</b>

1. The Panel assessed \$1,350.00 of the forum fees to Claimant Tejwinder S. Kahlon.
2. The Panel assessed \$1,350.00 of the forum fees to Respondent Fidelity Brokerage Services, Inc.

**Fee Summary**

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

Initial Filing Fee	= \$ 225.00
Forum Fees	= \$ 1,350.00
Total Fees	= \$ 1,575.00
Less payments	= \$ (975.00)
<b>Balance Due NASD Dispute Resolution, Inc.</b>	<b>= \$ 600.00</b>

2. Respondent Fidelity Brokerage Services, Inc. is charged with the following fees and costs:

Member Fees	= \$ 3,100.00
Forum Fees	= \$ 1,350.00
Total Fees	= \$ 4,450.00
Less payments	= \$(3,100.00)
<b>Balance Due NASD Dispute Resolution, Inc.</b>	<b>= \$ 1,350.00</b>

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.

**ARBITRATION PANEL**

Kenan Oldham, Esq.	-	Public Arbitrator, Presiding Chair
Mark S. Priver, Esq.	-	Public Arbitrator
Andrew J. Sorensen	-	Non-Public Arbitrator

**Concurring Arbitrators' Signatures**

  
\_\_\_\_\_  
Kenan Oldham, Esq.  
Chair, Public Arbitrator

12/14/01  
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Signature Date

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Mark S. Priver, Esq.  
Public Arbitrator

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Andrew J. Sorensen  
Non-Public Arbitrator

\_\_\_\_\_  
Signature Date

December 14, 2001  
\_\_\_\_\_  
Date of Service

ARBITRATION PANEL

Kenan Oldham, Esq.	-	Public Arbitrator, Presiding Chair
Mark S. Priver, Esq.	-	Public Arbitrator
Andrew J. Sorensen	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

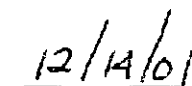
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Kenan Oldham, Esq.  
Chair, Public Arbitrator

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Signature Date

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Mark S. Priver, Esq.  
Public Arbitrator

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Signature Date

  
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Non-Public Arbitrator

  
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Signature Date

  
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Date of Service