

Award
NASD Dispute Resolution, Inc.

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FL ARBITRATION

In the Matter of the Arbitration Between

Name of Claimant

Wachovia Securities, Inc.

Case No. 00-05097

Name of Respondent

William F. Hill, Jr.

Hearing Site: Atlanta, Georgia

REPRESENTATION OF PARTIES

For Claimant Wachovia Securities, Inc. ("Wachovia"), hereinafter referred to as "Claimant":
Pamela P. Warnement, Senior Vice President and Deputy General Counsel, Wachovia.

Respondent William F. Hill, Jr. ("Hill") did not appear.

CASE INFORMATION

Statement of Claim filed on or about: November 15, 2000.

Claimant signed the Uniform Submission Agreement: November 15, 2000.

Respondent did not file a Statement of Answer or executed Uniform Submission Agreement.

CASE SUMMARY

Claimant asserted that pursuant to the New Account Form and Client Agreement executed by Respondent, Respondent is indebted to Claimant for the debit balance in his account which he has failed to pay notwithstanding his obligation to do so.

RELIEF REQUESTED

Claimant requested damages in the sum of \$12,216.53, plus interest, costs and attorneys' fees, and such other and further relief as the Arbitrator deemed appropriate.

OTHER ISSUES CONSIDERED AND DECIDED

Respondent did not file with NASD Dispute Resolution, Inc. a properly executed submission to arbitration but is required to submit to arbitration pursuant to the NASD Code of Arbitration Procedure (the "Code"), and is bound by the

determination of the Arbitrator on all issues submitted.

Respondent did not appear in this matter. Upon review of the file and the representations made by/on behalf of the Claimant, the undersigned arbitrator (the "Arbitrator") determined that Respondent has been properly served with the Statement of Claim and received due notice of the hearing, and that arbitration of the matter would proceed without said Respondent present, in accordance with the Code.

AWARD

After considering the pleadings, the testimony and evidence presented at the hearing, and the post-hearing submissions (if any), the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

Respondent is liable and shall pay to Claimant the sum of \$12,000.00 plus interest at the rate of 8% per annum from August 9, 1999 until the date of payment of the Award. Interest is awarded pursuant to Clause 19 of the Client Agreement. Further, interest on debit balances is permitted under North Carolina law and N.C.G.S.A. Sec. 24-1 states that the rate is 8% per annum.

Respondent is liable and shall pay to Claimant the sum of \$865.26 in attorneys' fees, \$581.50 in costs pursuant to the affidavit of Claimant and \$12.26 in paralegal fees. Attorneys' fees are awarded pursuant to Clause 19 of the Client Agreement, O.C.G.A. Section 13-6-11, *Hilliard v. J.C. Bradford & Company* 494 S.E. 2d 38 (1997) and *Antonio Mastrobuono v. Shearson Lehman Hutton, Inc., et al.* 115 S. Ct. 1212 (1995). In-house costs of litigation are awarded pursuant to *Salsbury Laboratories, Inc. v. Merieux Laboratories, Inc.* 908 F.2d 706 (11th Cir. 1990). The computation of in-house costs was accomplished in accordance with *Pompano-Windy City Partners, Ltd., et al. v. Bear Stearns & Co., Inc., et al.*, 1990 U.S. Dist. LEXIS 12772 (S.D.N.Y. Sept. 26, 1990).

Respondent is liable and shall pay to Claimant the sum of \$750.00 representing reimbursement of the claim filing fee previously paid by Claimant to NASD Dispute Resolution, Inc.

Any and all requests for relief not specifically addressed herein, are denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution, Inc. will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee = \$750.00

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. In this matter, the member firm is a party.

Member surcharge = \$400.00

Adjournment Fees

Adjournments requested during these proceedings:

There were no adjournments requested during these proceedings.

Forum Fees and Assessments

The arbitrator has the authority to assess forum fees for each hearing session conducted. A hearing session is any meeting between the parties and the arbitrator(s), including a pre-hearing conference with the arbitrator(s), that lasts four (4) hours or less. Fees associated with these proceedings are:

One Pre-hearing session with a single arbitrator x \$450.00 = \$450.00
Pre-hearing conference: May 30, 2001 1 session

One Hearing session x \$450.00 = \$450.00
Hearing Date: July 17, 2001 1 session

Total Forum Fees = \$900.00

The Arbitrator has assessed the total forum fees of \$900.00 to Respondent.

Administrative Costs

Administrative costs are expenses incurred due to a request by a party for special services including, but not limited to, additional copies of arbitrator awards beyond those provided without charge, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

There were no administrative costs incurred during these proceedings.

Fee Summary

Claimant be and hereby is solely liable for:

Initial Filing Fee = \$750.00
Member Fees = \$400.00

Total Fees = \$1,150.00

Less payments = \$1,150.00

Balance Due NASD Dispute Resolution, Inc. = \$0.00

Respondent be and hereby is solely liable for:

Forum Fees = \$900.00

Total Fees = \$900.00

Less payments = \$0.00

Balance Due NASD Dispute Resolution, Inc. = \$900.00

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

ARBITRATION PANEL

Richard C. Murphy, Esq.

- Public Arbitrator, Presiding Chair

Arbitrator's Signature



Richard C. Murphy, Esq.
Public Arbitrator, Presiding Chair

08-29-2001
Signature Date

Date of Service (For NASD-DR office use only)