

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

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In the Matter of the Arbitration Between:

Benjamin and Else K. Jacobs, (Claimants) vs. TD Waterhouse Investor Services, Inc.,  
(Respondent)

Case Number: 00-05326

Hearing Site: Boston, Massachusetts

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**REPRESENTATION OF PARTIES**

Claimants, Benjamin and Else K. Jacobs, hereinafter collectively referred to as "Claimants", appeared *pro se*.

Respondent, TD Waterhouse Investor Services, Inc., hereinafter referred to as "Respondent": Derek C. Anderson, Esq., Murphy & Michaels, LLP, Boston, MA.  
Previously represented by: Janis Campanella, Esq., First Vice President and Assistant Counsel, New York, NY.

**CASE INFORMATION**

Statement of Claim filed on or about: November 25, 2000.  
Claimants signed the Uniform Submission Agreement: November 17, 2000.

Statement of Answer filed by Respondent on or about: March 13, 2001.  
Respondent signed the Uniform Submission Agreement: March 13, 2001.

**CASE SUMMARY**

Claimants asserted the following causes of action: inability to process an on-line transaction and improper execution of a sell order. Claimants claim involved the stock of Siebel Systems, Inc.

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim and asserted the following defenses: Claimants have failed to state a cause of action against Respondent upon which relief may be properly granted; Claimants suffered no damage as the result of any action taken or allegedly not taken by Respondent; Respondent fully discharged all duties owed to Claimants; and Respondent carried out its duties to Claimants in conformity with all relevant industry regulations, conventions, and applicable laws.

### **RELIEF REQUESTED**

Claimants requested compensatory damages in the amount of \$35,000.00, plus the costs of this arbitration.

Respondent requested that the Statement of Claim be dismissed in its entirety, and that Claimants be made to bear all expenses of Respondent in connection with this matter.

### **OTHER ISSUES CONSIDERED AND DECIDED**

The Arbitrator granted the parties' request to conduct the hearing in this matter at the Claimants' home.

The parties have 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, the testimony and evidence presented at the hearing, and the post-hearing submissions, the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimants' claims are hereby dismissed in their entirety.
2. All other requests for relief are hereby 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	= \$ 175.00
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**Member Fees**

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm that employed the associated person at the time of the events giving rise to the dispute. In this matter, TD Waterhouse Investor Services, Inc. is a party.

Member surcharge	= \$ 800.00
Pre-hearing process fee	= \$ 600.00
Hearing process fee	= \$1,000.00

**Forum Fees and Assessments**

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

One (1) Pre-hearing session with a single arbitrator x \$450.00	= \$ 450.00
Pre-hearing conference: June 12, 2001 1 session	

One (1) Hearing session x \$450.00	= \$ 450.00
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Hearing Date: December 18, 2001 1 session	
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Total Forum Fees	= \$ 900.00
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1. The Arbitrator has assessed \$450.00 of the forum fees against Claimant.
2. The Arbitrator has assessed \$450.00 of the forum fees against Respondent.

**Fee Summary**

1. Claimants be and hereby are jointly and severally liable for:

Initial Filing Fee	= \$ 175.00
Forum Fees	= \$ 450.00
Total Fees	= \$ 625.00
Less payments	= \$ 625.00
Balance Due NASD Dispute Resolution, Inc.	= \$ 0.00

2. Respondent be and hereby is solely liable for:

Member Fees	= \$2,400.00
Forum Fees	= \$ 450.00
Total Fees	= \$2,850.00
Less payments	= \$2,400.00
Balance Due NASD Dispute Resolution, Inc.	= \$ 450.00

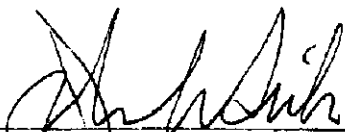
All balances are due and payable to NASD Dispute Resolution, Inc.

ARBITRATION PANEL

John A. Seiler

Public Arbitrator

Arbitrator's Signature



John A. Seiler  
Public Arbitrator

1/11/02  
Signature Date

January 16, 2002  
Date of Service (For NASD office use only)