

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Emmett A. Larkin Company, Claimant v. U.S. Clearing Corporation, Respondent

Case Number: 00-05588

Hearing Site: San Francisco, California

REPRESENTATION OF PARTIES

For Claimant:

James A. Hughes, Esq.
Sullwold & Hughes
San Francisco, California

For Respondent:

Cameron Stout, Esq.
Jody Willson, Esq.
Keesal, Young & Logan
San Francisco, California

CASE INFORMATION

Statement of Claim filed: December 13, 2000

Claimant's Uniform Submission Agreement signed: December 12, 2000

Statement of Answer filed by Respondent: February 12, 2003

Respondent's Uniform Submission Agreement signed: January 30, 2001

CASE SUMMARY

Claimant alleged Respondent improperly "DK'd"¹ Claimant's retransmission of a buy-in order of Net Master Consultants common stock. Claimant further alleged Respondent delayed the handling Claimant's dividend claim for the split shares of Net Master Consultants common stock.

Respondent denied the allegations of wrongdoing set forth in the Claimant's Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$133,322.50.

Respondent requested dismissal of the Claimant's Statement of Claim in its entirety and reimbursement of 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. Respondent is liable to and shall pay Claimant the sum of \$33,656.25 in compensatory damages.
2. Respondent is liable to and shall pay Claimant interest in the amount of 7.0% per annum on \$33,656.25 from April 25, 2000 to September 30, 2003.
3. The parties shall bear their respective costs, including attorney's fees.
4. All other relief requested and not expressly granted is denied.

¹ "DK" is an industry term defined as a broker-dealer response to a transaction report when the facts of the trade are in doubt or are unknown.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution received or will collect the non-refundable filing fees for each claim as follows:

Initial claim filing fee	= \$ 1,000.00
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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 that gave rise to the dispute, claim, or controversy. Accordingly, the fees noted below apply to this matter.

Member firm Emmett A. Larkin Company is a party and the following fees are assessed:

Member Surcharge	= \$ 1,500.00
Pre-Hearing Process Fee	= \$ 600.00
<u>Hearing Process Fee</u>	= \$ 2,500.00
Total Member Fees	= \$ 4,600.00

Member firm U.S. Clearing Corporation is a party and the following fees are assessed:

Member Surcharge	= \$ 1,500.00
Pre-Hearing Process Fee	= \$ 600.00
<u>Hearing Process Fee</u>	= \$ 2,500.00
Total Member Fees	= \$ 4,600.00

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 Chair or the parties and the Panel. The following fees are assessed:

Two (2) Pre-hearing conference sessions with the Panel @ \$1,125.00/session	= \$ 2,250.00
Pre-hearing conferences:	
October 10, 2001	1 session
October 7, 2003	1 session
Four (4) Hearing sessions @ \$1,125.00/session	= \$ 4,500.00
Hearings:	
October 13, 2003	2 sessions
October 14, 2003	2 sessions
Total Forum Fees	= \$ 6,750.00

1. The Panel assessed \$3,375.00 of the forum fees to Claimant.
2. The Panel assessed \$3,375.00 of the forum fees to Respondent.

Fee Summary

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

Initial Filing Fee	= \$ 1,000.00
Member Fees	= \$ 4,600.00
<u>Forum Fees</u>	= \$ 3,375.00
Total Fees	= \$ 8,975.00
<u>Less payments</u>	= \$(6,725.00)
Balance Due NASD Dispute Resolution	= \$ 2,250.00

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

Member Fees	= \$ 4,600.00
<u>Forum Fees</u>	= \$ 3,375.00
Total Fees	= \$ 7,975.00
<u>Less payments</u>	= \$(4,600.00)
Balance Due NASD Dispute Resolution	= \$ 3,375.00

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

ARBITRATION PANEL

William S. Mailliard, Esq.	-	Non-Public Arbitrator, Presiding Chair
Edgar N. Stone	-	Non-Public Arbitrator
Linda H. Perry-Cabrera	-	Non-Public Arbitrator

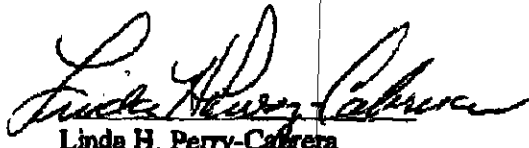
Concurring Arbitrators' Signatures:

William S. Mailliard, Esq.
Chair, Non-Public Arbitrator

Signature Date

Edgar N. Stone
Non-Public Arbitrator

Signature Date


Linda H. Perry-Cabrera
Non-Public Arbitrator

10/20/03
Signature Date

10/20/03
Date of Service

ARBITRATION PANEL

William S. Mailliard, Esq.	-	Non-Public Arbitrator, Presiding Chair
Edgar N. Stone	-	Non-Public Arbitrator
Linda H. Perry-Cabrera	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures:

William S. Mailliard, Esq.
Chair, Non-Public Arbitrator

Signature Date

Edgar N. Stone

10-18-03

Edgar N. Stone
Non-Public Arbitrator

Signature Date

Linda H. Perry-Cabrera
Non-Public Arbitrator

Signature Date

10/20/03

Date of Service