

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Matin Lackpour, an individual and as custodian for The Ali and Amir Lackpour Custodial Account, Claimants v. TD Waterhouse Investor Services, Inc., Respondent

Case Number: 01-00507

Hearing Site: Los Angeles, California

REPRESENTATION OF PARTIES

For Claimants:

Craig A. Fox, Esq.
Law Offices of Galindo & Fox
Granada Hills, California

For Respondent:

Brian G. Mulherin, Esq.
Jones, Bell, Abbott, Fleming
& Fitzgerald, L.L.P.
Los Angeles, California

CASE INFORMATION

Statement of Claim filed: December 14, 2000

Claimants' Joint Uniform Submission Agreement signed: December 27, 2000

Statement of Answer filed by Respondent: February 1, 2002

Respondent's Uniform Submission Agreement signed: February 1, 2002

CASE SUMMARY

Claimants alleged breach of contract, breach of fiduciary duty, negligence, and failure to cancel two on-line purchase orders of 700 shares each of Modem Media Poppe Tyson, Inc. (MMPT).

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

RELIEF REQUESTED

Claimants requested \$27,956.25 in compensatory damages, reimbursement of unspecified commissions, interest at the legal rate from February 5, 1999, and costs, including attorney's fees.

Respondent requested dismissal of the Claimants' Statement of Claim in its entirety and costs, including 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) Claimants' 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 received or will collect the non-refundable filing fees for each claim as follows:

Initial claim filing fee	= \$ 150.00
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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 member firm TD Waterhouse Investor Services, Inc. is a party and the following fees are assessed:

Member Surcharge	= \$ 600.00
Pre-Hearing Process Fee	= \$ 600.00
<u>Hearing Process Fee</u>	= \$ 1,000.00
Total Member Fees	= \$ 2,200.00

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:

One (1) Pre-hearing conference session with the Panel @ \$600.00/session	= \$ 600.00
Pre-hearing conference: June 19, 2002 1 session	
One (1) Hearing session @ \$600.00/session	= \$ 600.00
<u>Hearing: September 18, 2002 1 session</u>	
Total Forum Fees	= \$ 1,200.00

1. The Panel assessed \$600.00 of the forum fees jointly and severally to Claimants Martin Lackpour and The Ali and Amir Lackpour Custodial Account.
2. The Panel assessed \$600.00 of the forum fees to Respondent TD Waterhouse Investor Services, Inc.

Fee Summary

1. Claimants, Matin Lackpour and The Ali and Amir Lackpour Custodial Account, are charged jointly and severally with the following fees and costs:

Initial Filing Fee	= \$ 150.00
<u>Forum Fees</u>	= \$ 600.00
Total Fees	= \$ 750.00
<u>Less payments</u>	= \$(750.00)
Balance Due NASD Dispute Resolution	= \$ 0.00

2. Respondent, TD Waterhouse Investor Services, Inc., is charged with the following fees and costs:

Member Fees	= \$ 2,200.00
<u>Forum Fees</u>	= \$ 600.00
Total Fees	= \$ 2,800.00
<u>Less payments</u>	= \$(2,900.00)
Refund Due from NASD Dispute Resolution	= \$(100.00)

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

Michael M. Hachigian, Esq.	-	Public, Presiding Chair
Bruce A. Davidson	-	Public Arbitrator
Brian L. Spahr, CFP	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures


Michael M. Hachigian, Esq.
Chair, Public Arbitrator

9/19/03
Signature Date

Bruce A. Davidson
Public Arbitrator

Signature Date

Brian L. Spahr, CFP
Non-Public Arbitrator

Signature Date

9-19-03
Date of Service

ARBITRATION PANEL

<i>Michael M. Hachtgian, Esq.</i>	-	<i>Public, Presiding Chair</i>
<i>Bruce A. Davidson</i>	-	<i>Public Arbitrator</i>
<i>Brian L. Spahr, CFP</i>	-	<i>Non-Public Arbitrator</i>

Concurring Arbitrators' Signatures

Michael M. Hachtgian, Esq.
Chair, Public Arbitrator

Signature Date

Bruce A. Davidson
Public Arbitrator

Signature Date



Brian L. Spahr, CFP
Non-Public Arbitrator

9.19.02

Signature Date

9-19-02

Date of Service

Sep-19-2002 08:08pm From-NASDA DISPUTE RESOLUTION

T-622 P.007/007 F-436

NASD Dispute Resolution
Arbitration No. 01-00507
Award Page 5 of 5

ARBITRATION PANEL

<i>Michael M. Hachtigian, Esq.</i>	-	<i>Public, Presiding Chair</i>
<i>Bruce A. Davidson</i>	-	<i>Public Arbitrator</i>
<i>Brian L. Spahr, CFP</i>	-	<i>Non-Public Arbitrator</i>

Concurring Arbitrators' Signatures

Michael M. Hachtigian, Esq.
Chair, Public Arbitrator

Signature Date

Bruce A. Davidson
Public Arbitrator

Signature Date



Brian L. Spahr, CFP
Non-Public Arbitrator

9-19-02

Signature Date

9-19-02

Date of Service