

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

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In the Matter of the Arbitration Between:

Name of the Claimant  
Peter Lawler

Case Number: 01-01213

Name of the Respondent  
Charles Schwab & Company, Inc.

Hearing Site: Washington, D.C.

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**REPRESENTATION OF PARTIES**

Claimant, Peter Lawler ("Lawler"), hereinafter referred to as "Claimant": William S. Burroughs, Esq., Attorney at Law, Arlington, VA.

Respondent, Charles Schwab & Company, Inc. ("Schwab"), hereinafter referred to as "Respondent": Mauricio S. Beugelmans, Esq. and Greg Scanlon, Esq., Charles Schwab & Company, Inc., San Francisco, CA.

**CASE INFORMATION**

Statement of Claim filed on: March 7, 2001

Claimant signed the Uniform Submission Agreement: March 30, 2001

Statement of Answer filed by Respondent on: May 23, 2001

Respondent's representative signed the Uniform Submission Agreement: May 23, 2001

**CASE SUMMARY**

Claimant asserted the following causes of action, among others: breach of contract; violation of Rule 10b-5 of the Securities and Exchange Commission; common law fraud; negligence; and, breach of fiduciary duty. The causes of action relate to the sale of Interpublic Group, Inc. stock.

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim and asserted the following defenses, among others: Claimant fails to state a claim upon which relief may be granted; Respondent acted appropriately and reasonably at all times; and, Claimant suffered no damages from the alleged wrongdoing of Respondent.

**RELIEF REQUESTED**

Claimant requested:

Compensatory Damages  
Interest

\$ 154,700  
unspecified amount

Attorneys' Fees  
Other Costs

unspecified amount  
unspecified amount

Respondent requested dismissal of the Statement of Claim, and costs and attorneys' fees in unspecified amounts.

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

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.

At the hearing, Claimant amended his damage claim to seek interest at a rate of 10% under California law, rather than 6% under Virginia law. Claimant also amended his claim to request attorneys' fees at a "reasonable" level.

#### **AWARD**

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

1. That Respondent Schwab is liable to Claimant Lawler and shall pay him compensatory damages in the amount of \$77,260.05. Interest on this amount is awarded at the rate of 10% simple interest per annum from December 20, 1999 through the date of payment of this Award.
2. That the parties shall bear their respective costs, including attorneys' fees, except as Fees are specifically addressed below.
3. That any and all requests for relief not specifically addressed herein are denied in their entirety.

#### **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 = \$ 300

##### **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. Accordingly, Charles Schwab & Company, Inc. is a party.

Member surcharge	= \$ 1,500
Pre-hearing process fee	= \$ 600
Hearing process fee	= \$ 2,500

**Forum Fees and Assessments**

The Panel has assessed forum fees for each session conducted. A 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 (1) Pre-hearing session with Panel @ \$1,125	= \$ 1,125
Pre-hearing conference: January 24, 2002 1 session	
Three (3) Hearing sessions @ \$1,125	= \$ 3,375
Hearing Dates: April 9, 2002 2 sessions	
April 10, 2002 1 session	
<hr/> Total Forum Fees	<hr/> = \$ 4,500

1. The Panel has assessed \$2,250 of the forum fees to Claimant Lawler.
2. The Panel has assessed \$2,250 of the forum fees to Respondent Schwab.

**Fee Summary**

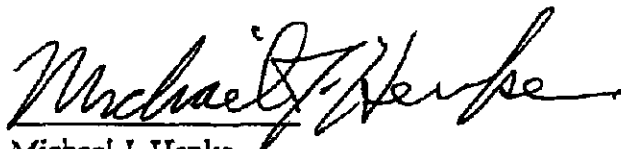
1. Claimant is assessed the following fees:	
Initial Filing Fee	= \$ 300
Forum Fees	= \$ 2,250
<hr/> Total Fees	<hr/> = \$ 2,550
Less payments	= \$ 1,425
<hr/> Balance Due NASD Dispute Resolution, Inc.	<hr/> = \$ 1,125
2. Respondent is assessed the following fees:	
Member Fees	= \$ 4,600
Forum Fees	= \$ 2,250
<hr/> Total Fees	<hr/> = \$ 6,850
Less payments	= \$ 4,600
<hr/> Balance Due NASD Dispute Resolution, Inc.	<hr/> = \$ 2,250

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

ARBITRATION PANEL

Michael J. Henke, Esq.	-	Public Arbitrator, Presiding Chairperson
Sandra Lee Dolan, Esq.	-	Public Arbitrator, Panelist
Carole Rollinson	-	Non-Public Arbitrator, Panelist

Concurring Arbitrators' Signatures



Michael J. Henke  
Public Arbitrator, Presiding Chairperson

21 May '02  
Signature Date

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Sandra Lee Dolan  
Public Arbitrator, Panelist

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

\_\_\_\_\_  
Carole Rollinson  
Non-Public Arbitrator, Panelist

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

5/22/2007

Date of Service (For NASD Dispute Resolution office use only)

ARBITRATION PANEL

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Sandra Lee Dolan, Esq.	-	Public Arbitrator, Panelist
Carole Rollinson	-	Non-Public Arbitrator, Panelist

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Michael J. Henke  
Public Arbitrator, Presiding Chairperson

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Signature Date

Sandra Lee Dolan  
Sandra Lee Dolan  
Public Arbitrator, Panelist

May 22, 2002  
Signature Date

\_\_\_\_\_  
Carole Rollinson  
Non-Public Arbitrator, Panelist

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

5/22/2002  
Date of Service (For NASD Dispute Resolution office use only).

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