

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between:

Michael T. Lucas, Claimant v. TD Waterhouse Investor Services, Inc., Respondent

Case Number: 01-02143

Hearing Site: Los Angeles, California

REPRESENTATION OF PARTIES

For Claimant Michael T. Lucas:

Philip A. Kramer, Esq.
Kramer & Kaslow, PC
Calabasas, California

For Respondent TD Waterhouse Investor Services, Inc.:

John L. Erikson, Jr., Esq.
Jones, Bell, Abbott, Fleming
& Fitzgerald L.L.P.
Los Angeles, California

CASE INFORMATION

Statement of Claim filed: April 26, 2001

Claimant's Uniform Submission Agreement signed: April 26, 2001

Statement of Answer filed by Respondent: July 12, 2001

Respondent's Uniform Submission Agreement signed: July 12, 2001

CASE SUMMARY

Claimant alleged Breach of Contract, Breach of Fiduciary Duty, Negligence, Misrepresentation, Non-Disclosure, and Failure to Supervise the proper transfer of 32,500 shares of Parts.com, Inc.

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

RELIEF REQUESTED

Claimant requested \$41,405.74 in compensatory damages, interest thereon, and \$400,000.00 punitive damages.

Respondent requested dismissal of the Claimant's Statement of Claim in its entirety, and reimbursement of 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 \$33,000.00 in compensatory damages.
- 2) Claimant's request for punitive damages is denied.
- 3) The parties shall bear their respective costs, including attorney's fees.
- 4) *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, Inc. received or will collect the non-refundable filing fees for each claim as follows:

Initial claim filing fee	= \$ 300.00
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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	= \$ 1,500.00
Pre-Hearing Process Fee	= \$ 600.00
<u>Hearing Process Fee</u>	<u>= \$ 2,500.00</u>
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/Panel. The following fees are assessed:

One (1) Pre-hearing conference session with the Panel @ \$1,125/session	= \$ 1,125.00
Pre-hearing conference: November 13, 2001 1 session	
Two (2) Hearing sessions @ \$1,125.00/session	= \$ 2,250.00
Hearing: April 3, 2002 2 sessions	
Total Forum Fees	= \$ 3,375.00

The Panel assessed \$3,375.00 of the forum fees to Respondent TD Waterhouse Investor Services, Inc.

Fee Summary

1. Claimant, Michael T. Lucas, is charged with the following fees and costs:

Initial Filing Fee	= \$ 300.00
<u>Less payments</u>	<u>= \$(1,425.00)</u>
Refund Due Claimant Michael T. Lucas	= \$(1,125.00)
2. Respondent, TD Waterhouse Investor Services, Inc., is charged with the following fees and costs:

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

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

ARBITRATION PANEL

<i>Joseph Winter, Esq.</i>	-	<i>Public Arbitrator, Presiding Chair</i>
<i>Charles L. Repp, Jr.</i>	-	<i>Public Arbitrator</i>
<i>Kathryn L. Krebs, Esq.</i>	-	<i>Non-Public Arbitrator</i>

Concurring Arbitrators' Signatures

Joseph Winter, Esq.
Chair, Public Arbitrator

Signature Date

Charles L. Repp, Jr.
Public Arbitrator

Signature Date

Kathryn L. Krebs, Esq.
Non-Public Arbitrator

Signature Date

Date of Service

NASD Dispute Resolution, Inc.
Arbitration No. 01-02143
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Signature Date



Charles L. Repp, Jr.
Public Arbitrator

4/9/02

Signature Date

Kathryn L. Krebs, Esq.
Non-Public Arbitrator

Signature Date

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<i>Kathryn L. Krebs, Esq.</i>	-	<i>Non-Public Arbitrator</i>

Consenting Arbitrators' Signatures

Joseph Winter, Esq.
Chair, Public Arbitrator

Signature Date

Charles L. Repp, Jr.
Public Arbitrator

Signature Date

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Non-Public Arbitrator

4/9/02
Signature Date

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