

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 02-05394

David Shu, claimant vs. Bruno Cerqueira Fernandes, respondent.

ATTORNEYS:

Claimant appeared pro se, West Hills, CA.

Respondent appeared pro se, Arlington, VA.

DATE FILED: September 11, 2002

CASE SUMMARY: Claimant alleged that respondent made two, false, inflammatory, and vindictive statements on his form U-5.

ARBITRATOR'S REPORT: See attached Exhibit A.

Claim Data

Claim: \$237.00
Punitive: \$237.00
Interest: \$47.00
Filing Fees: \$50.00
Other: \$95.00
Other: Expungement

Award Data

Award: \$.00
Punitive: \$.00
Interest: \$.00
Filing Fees: \$50.00
Other: \$.00
Other: Granted

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) Claimant's claim to expunge his CRD record is granted. 2) All requests for interest are denied. 3) All requests for punitive damages are denied. 4) All other relief requests are denied. 5) The arbitrator recommends the expungement of the "Yes" answer to the "Full Termination" question on David Shu's form U-5 dated 8-24-01 based on defamatory nature of the information be immediately replaced with a "No" answer; the arbitrator orders Bruno Cerqueira Fernandes to file an amended Form U-5 for David Shu in which the box in Section 13 (former Section 12) checked "permitted to resign" is immediately changed to "voluntary". 6) The \$50.00 filing fee previously deposited with NASD Dispute Resolution by the claimant, shall be retained by NASD Dispute Resolution. 7) Respondent is liable and shall pay claimant \$50.00 as reimbursement of the filing fee.

OTHER FEES: Pursuant to Rule 10333 of the Code, Trade Wall Street Inc., has paid to NASD Dispute Resolution the \$150.00 Member Surcharge previously invoiced.

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Award 02-05394

John E. Bates

Sole Non-Public Arbitrator

AFFIRMATION

I, John E. Bates, do hereby affirm, upon my oath as arbitrator that I am the individual described herein who executed this instrument, which is my oath and award.



John E. Bates

03-06-03
Signature Date

March 12, 2003
Date of Service (For NASD-DR office use only)



February 25, 2003

Case Number: 02-5394

Case Name: David Shu v. Bruno Cerqueira Fernandes

Decision with regard to Claims:

Breach of Contract: Denied

Libel or Slander on Form U-5: Denied


Damages: Actual: -0-

Punitive: -0-

That portion of the Full Termination section on the Form U-5 submitted regarding David Shu (the claimant) by Trade Wall Street Inc. and Bruno Cerqueira Fernandes dated 8-24-01 is to be expunged.

The Reason For Termination shall read:

Voluntary Resignation


John Edward Bates, CEO
Bates Private Capital, Incorporated
