

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant
John Edward Atkinson

Case Number: 02-07170

Name of the Respondents
Richard Randa
Matthew Glenn
Wachovia Securities, Inc.

Hearing Site: Baltimore, Maryland

Nature of the Dispute: Associated Person vs. Associated Persons and Member.

REPRESENTATION OF PARTIES

Claimant John Edward Atkinson appeared *pro se*.

Respondent Richard Randa ("Randa") represented himself and did not appear.

Respondent Matthew Glenn ("Glenn") represented himself and did not appear.

Respondent Wachovia Securities, Inc. ("Wachovia") was represented by Todd Ratner, Esq., in-house counsel for Wachovia, Richmond, Virginia.

CASE INFORMATION

Statement of Claim filed on November 22, 2002.

Claimant signed the Uniform Submission Agreement on November 22, 2002.

Claimant filed an Amendment to the Statement of Claim on January 10, 2003.

Statement of Answer filed by Respondent Wachovia on January 31, 2003.

A representative for Wachovia signed the Uniform Submission Agreement on January 31, 2003.

Respondent Randa did not file an executed Uniform Submission Agreement.

Respondent Glenn did not file an executed Uniform Submission Agreement.

CASE SUMMARY

Claimant asserted the following causes of action, among others: non-payment of fees and commissions. The causes of action relate to Claimant's employment contract with Wachovia.

Unless specifically admitted in its Answer, Respondent Wachovia denied the allegations made in the Amended Statement of Claim and asserted the following defense: that Claimant failed to state a claim upon which relief can be granted.

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RELIEF REQUESTED

Claimant in his Statement of Claim and Amended Statement of Claim requested:

Compensatory Damages	\$4,800.00
Other Costs	\$ 175.00

In its Statement of Answer Wachovia requested that the Arbitrator award all of its costs against Claimant.

OTHER ISSUES CONSIDERED AND DECIDED

Respondents Randa and Glenn did not file with NASD Dispute Resolution properly executed submissions to arbitration but are required to submit to arbitration pursuant to the Code and are bound by the determination of the Arbitrator on all issues submitted.

On January 13, 2003 Claimant filed an Amendment to his Statement of Claim withdrawing all claims against Randa and Glenn and adding Wachovia as a Respondent.

On September 3, 2003, Claimant requested that the Arbitrator decide this case on the basis of the papers submitted. Respondent Wachovia did not object.

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.

AWARD

After considering the pleadings, the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. All claims for compensatory damages are denied in their entirety;
2. The parties shall bear their respective costs, including attorneys' fees, except as Fees are specifically addressed below, and;
3. Any and all relief not specifically addressed herein is denied in its entirety.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution will retain or collect the non-refundable filing fees for each claim:
Initial claim filing fee = \$ 50.00

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firms that employed the associated person(s) at the time of the events giving rise to the dispute. Accordingly, Wachovia is a party.

Member surcharge	= \$200.00
Total Member Fees	= \$200.00

Forum Fees and Assessments

The Arbitrator 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 a single arbitrator @ \$125.00	= \$125.00
Pre-hearing conference: August 19, 2003 1 session	
Total Forum Fees	= \$125.00

1. The Arbitrator has assessed \$125.00 of the forum fees to Claimant

FEE SUMMARY

1. Claimant is assessed and shall pay the following fees:

Initial Filing Fee	= \$ 50.00
Forum Fees	= \$125.00
Total Fees	= \$175.00
Less payments	= \$175.00
Balance Due NASD Dispute Resolution	= \$ 00.00

2. Respondent is assessed and shall pay the following fees:

Member Fees	= \$200.00
Total Fees	= \$200.00
Less payments	= \$200.00
Balance Due NASD Dispute Resolution	= \$ 00.00

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

ARBITRATOR

C. Gregory Ellison

- Non-Public Arbitrator, Chairperson

FEB-12-2004 14:53

MS WINCHESTER

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Sole Arbitrator's Signature



C. Gregory Ellison

Non-Public Arbitrator, Chairperson

2-12-04

Signature Date

2/12/04

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