

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

CWH Wholesale, a sole proprietorship of Yosuf M. Abedi, Claimant v. Charles Schwab & Co., Inc., Respondent

Case Number: 03-00379

Hearing Site: Los Angeles, California

Nature of the Dispute: Customer v. Member

REPRESENTATION OF PARTIES

For Claimant:

Daniel B. Spitzer, Esq.
Law Offices of Daniel B. Spitzer
Encino, California

For Respondent:

Richard A. Karoly, Esq.
Charles Schwab & Company, Inc.
San Francisco, California

CASE INFORMATION

Statement of Claim filed: January 10, 2003

Claimant's Uniform Submission Agreement signed: January 8, 2003

Statement of Answer filed: February 24, 2003

Respondent's Uniform Submission Agreement signed: February 25, 2003

CASE SUMMARY

Claimant alleged breach of contract, breach of fiduciary duty, negligence, failure to execute, and failure to supervise. Claimant's allegations involved Claimant's margin account and transactions in unspecified securities.

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

RELIEF REQUESTED

Claimant requested \$200,000.00 in compensatory damages, punitive damages, pre-award interest, and costs, including attorney's fees.

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) Claimant's 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	= \$ 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 Charles Schwab & Co., Inc. is a party and the following fees are assessed:

Member Surcharge	= \$1,700.00
Pre-Hearing Process Fee	= \$ 750.00
Hearing Process Fee	= \$2,750.00
Total Member Fees	= \$5,200.00

Adjournment Fees

The following adjournment fees are assessed:

February 27 – 28, 2006 adjournment requested by Claimant	= \$1,125.00
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The Panel assessed the adjournment fee of \$1,125.00 to Claimant.

Forum Fees and Assessments

The Panel assessed forum fees for each session conducted or each decision rendered on a discovery-related motion on the papers. A session is any meeting between the parties and the arbitrator(s), including a pre-hearing conference, that lasts four (4) hours or less. Fees associated with these proceedings are:

Two (2) Pre-hearing conference sessions with the Panel @ \$1,125.00/session	= \$2,250.00
Pre-hearing conferences: August 26, 2005 1 session	
September 7, 2006 1 session	
One (1) Hearing session @ \$1,125.00/session	= \$1,125.00
Hearing: December 7, 2006 1 session	
Total Forum Fees	= \$3,375.00

1. The Panel assessed \$1,687.50 of the forum fees to Claimant.
2. The Panel assessed \$1,687.50 of the forum fees jointly and severally to Respondent.

Fee Summary

1. Claimant is charged with the following fees and costs:

Initial Filing Fee	= \$ 300.00
Adjournment Fee	= \$ 1,125.00
Forum Fees	= \$ 1,687.50
<u>Total Fees</u>	<u>= \$ 3,112.50</u>
<u>Less payments</u>	<u>= \$(1,425.00)</u>
Balance Due NASD Dispute Resolution	= \$ 1,687.50

2. Respondent is charged with the following fees and costs

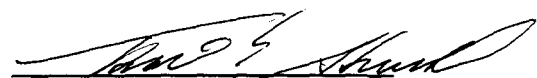
Member Fees	= \$ 5,200.00
Forum Fees	= \$ 1,687.50
<u>Total Fees</u>	<u>= \$ 6,887.50</u>
<u>Less payments</u>	<u>= \$(5,200.00)</u>
Balance Due NASD Dispute Resolution	= \$ 1,687.50

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

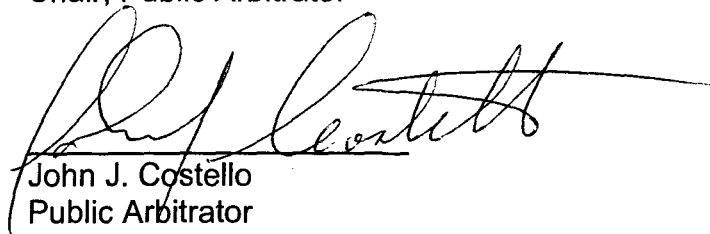
Thomas E. Shuck	-	Public Arbitrator, Presiding Chair
John J. Costello	-	Public Arbitrator
Gerald C. Tambe	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures



Thomas E. Shuck
Chair, Public Arbitrator

7 DEC. 2006
Signature Date



John J. Costello
Public Arbitrator

7 Dec 2006
Signature Date



Gerald C. Tambe
Non-Public Arbitrator

7 DEC 2006
Signature Date

December 7, 2006
Date of Service