

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Hong Cho Yew, Claimant v. Ameritrade, Inc. n/k/a J.P. Securities Inc., Respondent

Case Number: 03-02085

Hearing Site: Los Angeles, California

REPRESENTATION OF PARTIES

For Claimant:

Hong Cho Yew
Pro Se
Carson, California

For Respondent:

James J. Vihstadt, Esq.
Ameritrade, Inc.
n/k/a J.P. Securities Inc.
Bellevue, Nebraska

CASE INFORMATION

Statement of Claim filed: March 19, 2003

Claimant's Uniform Submission Agreement signed: March 28, 2003

Statement of Answer filed by Respondent: June 26, 2003

Respondent's Uniform Submission Agreement signed: June 26, 2003

CASE SUMMARY

Claimant alleged breach of fiduciary duty, failure to execute, fraud, misrepresentation, non-disclosure, violations of federal and state securities laws, and violations of NASD and NYSE Rules. Claimant's allegations involved the failure of Respondent to execute a limit order to sell 10,000 shares of PC Service Source, Inc. common stock.

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

RELIEF REQUESTED

In his Statement of Claim, Claimant requested \$14,662.50 in compensatory damages, unspecified punitive damages, pre- and post-judgment interest and costs, including attorney's fees. During the hearing, Claimant revised his request for compensatory damages \$8,925.00.

Respondent requested dismissal of the Claimant's Statement of Claim in its entirety and reimbursement of costs.

OTHER ISSUES CONSIDERED AND DECIDED

On June 16, 2003, Claimant and Claimant's counsel signed a Waiver Agreement expressly waiving any and all rights and benefits under California Civil Code Section 1542 and the California Ethical Standards for Neutral Arbitrators.

On June 26, 2003, Respondent's counsel signed a Waiver Agreement on Respondent's behalf expressly waiving any and all rights and benefits under California Civil Code Section 1542 and the California Ethical Standards for Neutral Arbitrators.

The parties agreed that a handwritten, signed Award may be entered.

AWARD

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

- 1) Respondent is liable to and shall pay Claimant the sum of \$1,312.50 in compensatory damages. The Arbitrator used the following formula to calculate the award of compensatory damages: $[2.125 - 1.8125 (1.625 + 2 \div 2) = .3125 \times 4,200]$.
- 2) Claimant's requests for punitive damages and interest are denied.
- 3) Respondent is liable to and shall pay Claimant the sum of \$125.00 as reimbursement for filing costs.
- 4) Except as set forth in paragraph 3, the parties shall bear their respective costs, including attorney's fees.
- 5) 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	= \$125.00
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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 Ameritrade, Inc. n/k/a J.P. Securities Inc. is a party and the following fees are assessed:

Member Surcharge	= \$425.00
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Forum Fees and Assessments

The Arbitrator 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 Arbitrator. The following fees are assessed:

One (1) Pre-hearing conference session with the arbitrator @ \$450.00/session	= \$450.00
Pre-hearing conference: September 8, 2003	1 session

One (1) Hearing session @ \$450.00/session	= \$450.00
Hearing: October 21, 2003	1 session

Total Forum Fees	= \$900.00
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The Arbitrator assessed the entire balance of the forum fees, in the amount of \$900.00, to Respondent Ameritrade, Inc. n/k/a J.P. Securities Inc.

Fee Summary

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

Initial Filing Fee	= \$ 125.00
Less payments	= \$ (575.00)
Refund Due from NASD Dispute Resolution	= \$ (450.00)

2. Respondent Ameritrade, Inc. n/k/a J.P. Securities Inc. is charged with the following fees and costs:

Member Fees	= \$ 425.00
Forum Fees	= \$ 900.00
Total Fees	= \$1,325.00
Less payments	= \$ (425.00)
Balance Due NASD Dispute Resolution	= \$ 900.00


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

Ralph B. Perry III, Esq.

Public Arbitrator

Arbitrator's Signature


Ralph B. Perry III, Esq.
Public Arbitrator

23 October 2013
Signature Date

10/23/03
Date of Service