

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Names of the Claimants

Case Number: 04-00585

Paul Smith
Judy K. Smith

Names of the Respondents

Hearing Site: Charlotte, North Carolina

Wachovia Securities, LLC
Craig M. Fielding

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

REPRESENTATION OF PARTIES

Claimants, Paul Smith and Judy Smith, hereinafter collectively referred to as "Claimants", were represented by David C. Pishko, Elliot Pishko Morgan, P.A., Winton-Salem, North Carolina.

Respondents, Wachovia Securities, LLC ("Wachovia") and Craig M. Fielding ("Fielding"), hereinafter collectively referred to as "Respondents", were represented by Todd Ratner, Esq., Wachovia Securities, LLC, Richmond, Virginia.

CASE INFORMATION

Statement of Claim filed on January 27, 2004.

Claimant Paul Smith signed the Uniform Submission Agreement on January 26, 2004.

Claimant Judy Smith signed the Uniform Submission Agreement on April 17, 2006.

Statement of Answer and Motion to Dismiss filed by Respondents on April 29, 2004.

Respondent Fielding signed the Uniform Submission Agreement on March 17, 2004.

A representative of Respondent Wachovia executed the Uniform Submission Agreement on March 10, 2004.

Claimant's Response to Respondent's Motion to Dismiss was filed on June 1, 2004.

Claimants' Motion for Leave to Amend and Amended Statement of Claim were filed on December 29, 2004.

Respondents' Response to the Motion for Leave to Amend was filed on January 3, 2005.

CASE SUMMARY

Claimants asserted the following causes of action, among others: negligence and breach of fiduciary duty. The causes of action relate to PuchasePro.com stock

Unless specifically admitted in their Answer, Respondents denied the allegations made in the

Statement of Claim and asserted the following defenses, among others: failure to state a claim upon which relief may be granted, laches, unclean hands, estoppel, contributory negligence, ratification, assumption of risk, failure to mitigate, and statute of limitations.

RELIEF REQUESTED

Claimants in their Amended Statement of Claim requested:

Compensatory Damages	in excess of \$1,000,000.00
Interest	amount unspecified
Attorneys' Fees	amount unspecified
Other Costs	amount unspecified

Respondents in their Statement of Answer requested that the Panel dismiss the Statement of Claim, assess costs to Claimant, and award Respondents such other relief as it deems proper.

OTHER ISSUES CONSIDERED AND DECIDED

By Order dated November 19, 2004, the Panel denied the Motion to Dismiss.

By Order dated January 14, 2005, the Panel granted Claimants' Motion to Amend the Statement of Claim.

At the hearing, Respondents renewed their Motion to Dismiss. Said motion was denied.

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 testimony and evidence presented at the hearing, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. All claims against Respondents 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 = \$ 375.00

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, Respondent Wachovia is a party.

Member surcharge = \$ 2,250.00

Pre-hearing process fee = \$ 750.00

Hearing process fee = \$ 4,000.00

Total Member Fees = \$ 7,000.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

March 8-10, 2005 adjournment requested by Claimants = waived

September 14-16, 2005 adjournment requested by Respondent Fielding = waived

Forum Fees and Assessments

The Panel 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:

Two (2) Pre-hearing sessions with Panel @ \$1,200.00 = \$ 2,400.00

Pre-hearing conferences: August 27, 2004 1 session

November 02, 2004 1 session

Three (3) Hearing sessions @ \$1,200.00 = \$ 3,600.00

Hearing Dates: April 3, 2006 2 sessions

April 4, 2006 1 session

Total Forum Fees = \$ 6,000.00

1. The Panel has assessed \$2,400.00 of the forum fees jointly and severally to Claimants.

2. The Panel has assessed \$3,600.00 of the forum fees jointly and severally to Respondents.

FEE SUMMARY

1. Claimants are jointly and severally assessed and shall pay the following fees:

Initial Filing Fee = \$ 375.00

Forum Fees = \$ 2,400.00

Total Fees = \$ 2,775.00

Less payments = \$ 1,700.00

Balance Due NASD Dispute Resolution = \$ 1,075.00

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

<u>Member Fees</u>	= \$ 7,000.00
<u>Total Fees</u>	= \$ 7,000.00
<u>Less payments</u>	= \$ 7,000.00
Balance Due NASD Dispute Resolution	= \$ 0.00

3. Respondents are jointly and severally assessed and shall pay the following fees:

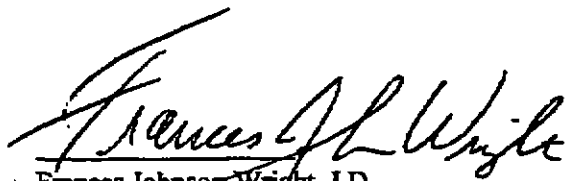
<u>Forum Fees</u>	= \$ 3,600.00
<u>Total Fees</u>	= \$ 3,600.00
<u>Less payments</u>	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 3,600.00

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

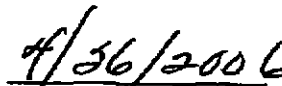
ARBITRATION PANEL

Frances Johnson Wright, J.D.	-	Public Arbitrator, Presiding Chairperson
Chase Boone Saunders	-	Public Arbitrator, Panelist
Allen Robinson	-	Non-Public Arbitrator, Panelist

Concurring Arbitrators' Signatures



Frances Johnson Wright, J.D.
Public Arbitrator, Presiding Chairperson



Signature Date

Chase Boone Saunders
Public Arbitrator, Panelist

Signature Date

Allen Robinson
Non-Public Arbitrator, Panelist

Signature Date

April 28, 2006
Date of Service (For NASD Dispute Resolution office use only)

Concurring Arbitrators' Signatures

Frances Johnson Wright, J.D.
Public Arbitrator, Presiding Chairperson

Signature Date

Chas. Cunniff

Chase Boone Saunders
Public Arbitrator, Panelist

4-26-06
Signature Date:

Allen Robinson
Non-Public Arbitrator, Panelist

Signature Date

April 28, 2006
Date of Service (For NASD Dispute Resolution office use only)

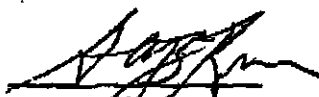
Concurring Arbitrators' Signatures

Frances Johnson Wright, J.D.
Public Arbitrator, Presiding Chairperson

Signature Date

Chase Boone Saunders
Public Arbitrator, Panelist

Signature Date



Allen Robinson
Non-Public Arbitrator, Panelist



Signature Date

April 28, 2006
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