

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 04-03871

Yong Dong, Claimant v. TD Waterhouse Investor Services, Inc., Respondent

ATTORNEYS:

For Claimant Yong Dong ("Claimant") appeared Sara B. Davis, Esq., of the firm Perkins Smith & Cohen, LLP, Boston, MA.

For Respondent TD Waterhouse Investor Services, Inc. ("Respondent") appeared Janis Campanella, Esq., in-house counsel, TD Waterhouse Investor Services, Inc., Boca Raton, FL.

NATURE OF DISPUTE: Customer vs. Member.

DATE FILED: May 28, 2004.

CASE SUMMARY: Claimant alleged that Respondent failed to timely deliver 2000 marketable shares of stock in Bookham Technology to Claimant following Claimant's valid purchase of those shares. Claimant further alleged that as a result of Respondent's failure to deliver the shares, Claimant was unable to access and sell the shares, creating a loss in his account.

Claim Data

Claim: \$22,500.00

Punitive: Unspecified

Interest: Unspecified

Attorney Fees: \$5,830.00

Filing Fees: \$425.00

Other: Unspecified

Award Data

Award: \$22,500.00

Punitive: \$0.00

Interest: 12% from 5/28/04
through date of payment of award

Attorney Fees: \$0.00

Filing Fees: \$425.00

Other: \$0.00

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) Respondent is liable and shall pay to the Claimant \$22,500.00 2) Respondent is liable and shall pay to the Claimant interest at a rate of 12% per annum from May 28, 2004 through the date of payment of the award. 3) All requests for attorney fees are denied. 4) All requests for punitive damages are denied. 5) All other relief requests are denied. 5) NASD Dispute Resolution shall retain the \$425.00 filing fee that the Claimant deposited previously. 6) Respondent is liable and shall pay Claimant \$425.00 as reimbursement of the filing fee.

OTHER FEES: Pursuant to Rule 10333 of the Code, Respondent has paid to NASD Dispute Resolution the \$425.00 Member Surcharge previously invoiced.

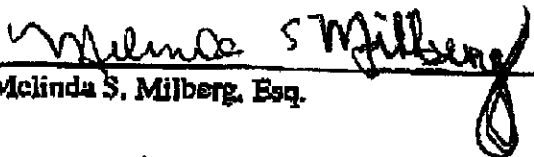
Page Two
Award 04-03871

Melinda S. Milberg, Esq.

Sole Public Arbitrator

AFFIRMATION

I, Melinda S. Milberg, Esq., 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.


Melinda S. Milberg, Esq.

11/22/04
Signature Date

December 7, 2004
Date of Service (For NASD-DR office use only)