

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant

Case Number: 04-05459

Sharon M. Pusin

Names of the Respondents

Hearing Site: Baltimore, MD

Wachovia Securities, LLC
Milliet Kim Lanham

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

REPRESENTATION OF PARTIES

Claimant, Sharon M. Pusin, hereinafter referred to as "Claimant", appeared *pro se*.

Respondent Wachovia Securities, LLC ("Wachovia") was represented by Todd Ratner, Vice President and Counsel, Wachovia Securities, LLC, Richmond, Virginia.

Respondent Milliet Kim Lanham ("Lanham") did not appear at the hearing.

CASE INFORMATION

Statement of Claim filed on July 28, 2004.

Claimant signed the Uniform Submission Agreement on July 28, 2004.

A representative of Respondent Wachovia executed the Uniform Submission Agreement on November 3, 2004.

Respondent Wachovia filed a Statement of Answer on November 3, 2004.

Respondent Wachovia filed a Motion to Dismiss the Statement of the Claim on August 15, 2005.

Claimant filed a Response to the Motion to Dismiss on September 2, 2005.

Respondent Wachovia filed a Reply in Support of Motion to Dismiss the Statement of Claim on September 23, 2005.

Statement of Answer filed by Respondent Lanham on November 19, 2004.

Respondent Lanham signed the Uniform Submission Agreement on November 18, 2004.

CASE SUMMARY

Claimant asserted the following causes of action, among others: securities fraud, failure to supervise, *respondeat superior*, common law fraud, common law negligent

misrepresentation, breach of fiduciary duty, breach of contract, and breach of implied covenant of good faith in performance and enforcement of contract. The causes of action relate to unspecified securities.

Unless specifically admitted in its Answer, Respondent Wachovia 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; Statement of Claim is barred in whole or in part by the equitable doctrines of laches, unclean hands, and estoppel; negligence; contributory negligence; claimant authorized the transactions; failure to mitigate damages; and statute of limitations.

Unless specifically admitted in her Answer, Respondent Lanham 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; Statement of Claim is barred in whole or in part by equitable doctrines of laches, unclean hands, and/or estoppel; negligence; contributory negligence; claimant authorized the transactions; failure to mitigate damages; and statute of limitations.

RELIEF REQUESTED

Claimant in her Statement of Claim requested compensatory damages in the amount of \$ 119,060.59, punitive damages in the amount of \$ 750,000.00, attorneys' fees, costs, and interest.

Respondent Wachovia in its Statement of the Answer requested denial of the Statement of Claim, and the award of its attorneys' fees, costs, and such other and further relief as may be just and proper.

Respondent Lanham in her Statement of the Answer requested denial of the Statement of Claim, a dismissal of the proceedings, and the award of such other and further relief as may be just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

Upon review of the file and the representations made by the Claimant, the undersigned Arbitration Panel (the "Panel") determined that Respondent Lanham has been properly served with the Statement of Claim and received due notice of the hearing, and that arbitration of the matter would proceed without said Respondent present, in accordance with the NASD Code of Arbitration Procedure (the "Code").

The Panel denied Respondents' Motion to Dismiss by Order dated October 7, 2005.

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. Respondents Wachovia and Lanham are liable to and shall pay to Claimant compensatory damages in the amount of \$ 28,000.00, plus interest at the legal rate of interest in Maryland on that amount. Interest shall be calculated on a simple basis and shall accrue from May 1, 2006 through the date the Award is paid in full;
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, including punitive damages, 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
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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:

- | | | |
|--|------|----------|
| November 8-11, 2005, adjournment requested by Claimant | = \$ | 1,200.00 |
|--|------|----------|
1. The Panel has assessed \$ 600.00 of the adjournment fee to Claimant.
 2. The Panel has assessed \$ 600.00 of the adjournment fee to Respondent Wachovia.

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:

One (1) Decision on discovery-related motion on the papers with 1 one arbitrator @ \$ 200.00	= \$	200.00
Two (2) Pre-hearing sessions with Panel @ \$ 1,200.00	= \$	2,400.00
Pre-hearing conferences: April 19, 2005 1 session		
October 7, 2005 1 session		
Six (7) Hearing sessions @ \$ 1,200.00	= \$	8,400.00
Hearing Dates: June 14, 2006 2 sessions		
June 15, 2006 3 sessions		
June 16, 2006 2 sessions		
Total Forum Fees	= \$	11,000.00

The Panel has assessed \$ 11,00.00 of the forum fees jointly and severally to Respondents.

FEE SUMMARY


1. Claimant is assessed and shall pay the following fees:		
Initial Filing Fee	= \$	375.00
Adjournment Fee	= \$	600.00
Total Fees	= \$	975.00
Less payments	= \$	2,175.00
Refund Due Claimant	= \$	1,200.00
2. Respondent Wachovia is assessed and shall pay the following fees:		
Member Fees	= \$	7,000.00
Adjournment Fee	= \$	600.00
Total Fees	= \$	7,600.00
Less payments	= \$	7,600.00
Balance Due NASD Dispute Resolution	= \$	0.00
3. Respondents are jointly and severally assessed and shall pay the following fees:		
Forum Fees	= \$	11,000.00
Total Fees	= \$	11,000.00
Balance Due NASD Dispute Resolution	= \$	11,000.00

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

ARBITRATION PANEL

J. Martin McDonough, Jr., Esq.	-	Public Arbitrator, Presiding Chairperson
Gerald Scher, Esq.	-	Public Arbitrator, Panelist
Ronnie Edward Nichols	-	Non-Public Arbitrator, Panelist

Concurring Arbitrators' Signatures


J. Martin McDonough, Jr., Esq.
Public Arbitrator, Presiding Chairperson

27 June 2006
Signature Date

Gerald Scher, Esq.
Public Arbitrator, Panelist

Signature Date

Ronnie Edward Nichols
Non-Public Arbitrator, Panelist

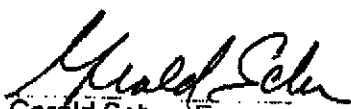
Signature Date

June 29, 2006
Date of Service (For NASD Dispute Resolution office use only)

Concurring Arbitrators' Signatures

J. Martin McDonough, Jr., Esq.
Public Arbitrator, Presiding Chairperson

Signature Date



Gerald Scher, Esq.
Public Arbitrator, Panelist

6/28/06
Signature Date

Ronnie Edward Nichols
Non-Public Arbitrator, Panelist

Signature Date

June 29, 2006
Date of Service (For NASD Dispute Resolution office use only)

Concurring Arbitrators' Signatures

J. Martin McDonough, Jr., Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

Gerald Scher, Esq.
Public Arbitrator, Panelist

Signature Date


Ronnie Edward Nichols
Non-Public Arbitrator, Panelist

6-29-2006
Signature Date

June 29, 2006
Date of Service (For NASD Dispute Resolution office use only)