

**Award**  
**NASD Dispute Resolution**

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In the Matter of the Arbitration Between:

Alan Man-Yiu Cheung, Claimant v. Globalink Securities, Inc. and Sune Yue Liu, Respondents

Case Number: 04-07275

Hearing Site: Los Angeles, California

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

**REPRESENTATION OF PARTIES**

For Claimant:

Cedric T. Chou, Esq.  
Pasadena, California

James A. Shalvoy, Esq.  
Manhattan Beach, California

For Respondent Globalink Securities, Inc.:

Edward C. Tu, Esq.  
Tony M. Chang, Esq.  
Castellan Law Group, LLP  
Pasadena, California

For Respondent Sune Yue Liu:

Sune Yue Liu  
Pro Se  
Hacienda Heights, California

**CASE INFORMATION**

Statement of Claim filed: October 14, 2004

Claimant Alan Man-Yiu Cheung's Uniform Submission Agreement signed: November 10, 2004

Statement of Answer filed by Respondent Globalink Securities, Inc.: January 31, 2005

Respondent Globalink Securities, Inc.'s Uniform Submission Agreement signed: January 31, 2005

**CASE SUMMARY**

Claimant asserted the following causes of action: unsuitability, failure to supervise, breach of contract, negligence, breach of fiduciary duty, and fraud. The causes of action relate to the unauthorized purchase of unspecified securities, margin trades, and option trades.

Unless specifically admitted in its Answer, Respondent Globalink Securities, Inc. denied the allegations of wrongdoing set forth in Claimant's Statement of Claim and asserted the following defenses: failure to state a claim, comparative negligence, comparative fault of third parties, intervening superseding causes, laches, waiver, and estoppel, failure to mitigate damages, waiver, unclean hands, lack of reasonable cause and good faith, Claimant engaged in wrongful and fraudulent conduct, Respondent Globalink Securities, Inc. acted reasonably and in good faith, impossibility of performance, full performance, assumption of risk, equities favor Respondent Globalink Securities, Inc., and Claimant's intentional conduct bars Claimant's claims.

### **RELIEF REQUESTED**

Claimant requested \$100,000.00 in compensatory damages, disgorgement of commissions, management fees, and transaction costs, unspecified punitive damages, pre- and post-judgment interest and costs, including attorney's fees, forum fees, and expert fees.

Respondent Globalink Securities, Inc. requested dismissal of Claimant's Statement of Claim in its entirety, and costs, including attorney's fees.

### **OTHER ISSUES CONSIDERED AND DECIDED**

Respondent Sune Yue Liu did not file with NASD Dispute Resolution a properly executed submission agreement, but he is required to submit to arbitration pursuant to NASD's Code of Arbitration Procedure, and he is bound by the determination of the Panel on all issues submitted.

On February 9, 2005, 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. Pursuant to NASD's Code of Arbitration Procedure IM-10100, the waiver of Claimant shall constitute and operate as a waiver for all member firms and associated persons (including terminated or otherwise inactive member firms or associated persons) against whom the Claim has been filed.

On September 15, 2005, Claimant's counsel submitted a written request for an adjournment of the hearing in this matter. On September 21, 2005, Respondent Globalink Securities, Inc.'s counsel submitted his opposition to Claimant's request for an adjournment. In an Order dated September 22, 2005, the Panel denied Claimant's request for an adjournment. On September 23, 2005, Claimant's counsel submitted a Motion for Reconsideration of his request for an adjournment of the hearing in this matter, or, in the alternative, a motion for dismissal of this arbitration proceeding without prejudice. On September 23, 2005, Respondent Globalink Securities, Inc.'s counsel submitted his opposition to Claimant's Motion for Reconsideration and requested that this proceeding be dismissed with prejudice. On September 23, 2005, Claimant's counsel submitted a Reply to Respondent Globalink Securities, Inc.'s opposition to Claimant's Motion for Reconsideration and request for dismissal of this matter with prejudice. On

September 26, 2005, the Panel deliberated regarding the parties' submissions and granted Respondent Globalink Securities, Inc.'s request to have this matter dismissed with prejudice.

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 and the motions discussed above, the Panel decided in full and final resolution of the issues submitted for determination as follows:

- 1) Claimant's claims are dismissed with prejudice.
- 2) The parties shall bear their respective costs, including attorney's fees.
- 3) Any and all relief not specifically addressed herein, including punitive damages 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 = \$ 225.00

**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 Globalink Securities, Inc. is a party, and the following fees are assessed:

Member Surcharge = \$1,100.00

Pre-Hearing Process Fee = \$ 750.00

Hearing Process Fee = \$1,700.00

**Total Member Fees = \$3,550.00**

**Forum Fees and Assessments**

The Panel has assessed forum fees for each session conducted. A session is any meeting between the parties and the arbitrators, including a pre-hearing conference with the arbitrators, that lasts four (4) hours or less. The following forum fees are assessed:

One (1) pre-hearing conference session with the Panel @ \$750.00/session = \$ 750.00

Pre-hearing conference: April 28, 2005 1 session

**Total Forum Fees = \$ 750.00**

1. The Panel assessed \$375.00 of the forum fees to Claimant Alan Man-Yiu Cheung.
2. The Panel assessed \$375.00 of the forum fees jointly and severally to Respondents Globalink Securities, Inc. and Sune Yue Liu.

**Fee Summary**

1. Claimant Alan Man-Yiu is charged solely with the following fees and costs:

Initial Filing Fee	= \$ 225.00
Forum Fees	= \$ 375.00
Total Fees	= \$ 600.00
Less payments	= \$(1,125.00)
<b>Refund Due Claimant</b>	<b>= \$ (525.00)</b>

2. Respondent Globalink Securities, Inc. is charged solely with the following fees and costs:

Member Fees	= \$ 3,550.00
Less payments	= \$ (3,450.00)
Less unused mediation deposit	= \$ (100.00)
<b>Balance Due NASD Dispute Resolution</b>	<b>= \$ 0.00</b>

3. Respondents Globalink Securities, Inc. and Sune Yue Liu are charged jointly and severally with the following fees and costs:

Forum Fees	= \$ 375.00
<b>Balance Due NASD Dispute Resolution</b>	<b>= \$ 375.00</b>

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.

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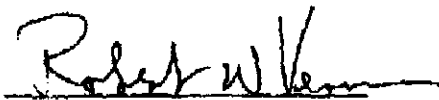
ARBITRATION PANEL

*Robert W. Vernon, CPA*  
*Royal D. Heisser*  
*Karen A. Lockwood*

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*Public Arbitrator, Presiding Chair*  
*Public Arbitrator*  
*Non-Public Arbitrator*

Concurring Arbitrators' Signatures



Robert W. Vernon, CPA  
Chair, Public Arbitrator

9/26/05  
Signature Date

Royal D. Heisser  
Public Arbitrator

Signature Date

Karen A. Lockwood  
Non-Public Arbitrator

Signature Date

September 27, 2005  
Date of Service

ARBITRATION PANEL

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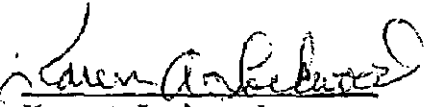
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