

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

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In the Matter of the Arbitration Between:

Name of the Claimant

Case Number: 05-00019

Manikoth G. Kurup

Name of the Respondent

Hearing Site: Richmond, Virginia

Wachovia Securities, LLC

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Nature of the Dispute: Customer vs. Member.

REPRESENTATION OF PARTIES

Claimant, Manikoth G. Kurup, hereinafter referred to as "Claimant", was represented by A. James Kauffman, Esq. and Kenneth C. Griggs, Esq., Taylor, Hazen & Kaufman, PLC, Richmond, Virginia.

Respondent, Wachovia Securities, LLC, hereinafter referred to as "Respondent", was represented by Harris L. Kay, Esq., LeClair Ryan, Richmond, Virginia.

CASE INFORMATION

Statement of Claim filed on December 3, 2004.

Claimant signed the Uniform Submission Agreement on December 26, 2004.

Statement of Answer filed by Respondent on February 25, 2004.

A representative of Respondent executed the Uniform Submission Agreement on February 24, 2005.

CASE SUMMARY

Claimant asserted the following causes of action, among others: breach of contract, failure to supervise, breach of fiduciary duty, and negligence. The causes of action relate to Commonwealth Bank and First Community Bank stock.

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim and asserted the following defenses, among others: any losses were the result of Claimant's conduct, contributory negligence, assumption of risk, and failure to mitigate.

RELIEF REQUESTED

Claimant in his Statement of Claim requested:

Compensatory Damages

\$80,000.00

Interest

amount unspecified

Attorneys' Fees  
Other Costs

amount unspecified  
amount unspecified

Respondent in its Statement of Answer requested that the Statement of Claim be dismissed, and that it be awarded its costs and attorney's fees.

OTHER ISSUES CONSIDERED AND DECIDED

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. Respondent is liable to and shall pay to Claimant compensatory damages in the amount of \$72,342.00, plus simple interest at a rate of 6% per annum from December 7, 2005 until the date of payment 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 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 = \$ 225.00

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 is a party.

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 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) Pre-hearing session with Panel @ \$750.00 = \$ 750.00  
Pre-hearing conference: June 2, 2005 1 session

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Two (2) Hearing sessions @ \$750.00 = \$1,500.00  
Hearing Dates: December 7, 2005 2 sessions  
Total Forum Fees = \$2,250.00

1. The Panel has assessed \$1,125.00 of the forum fees to Claimant.
2. The Panel has assessed \$1,125.00 of the forum fees to Respondent.

FEE SUMMARY

1. Claimant is assessed and shall pay the following fees:

Initial Filing Fee	= \$ 225.00
<u>Forum Fees</u>	<u>= \$1,125.00</u>
Total Fees	= \$1,350.00
<u>Less payments</u>	<u>= \$ 975.00</u>
Balance Due NASD Dispute Resolution	= \$ 375.00
  
2. Respondent is assessed and shall pay the following fees:

Member Fees	= \$3,550.00
<u>Forum Fees</u>	<u>= \$1,125.00</u>
Total Fees	= \$4,675.00
<u>Less payments</u>	<u>= \$3,550.00</u>
Balance Due NASD Dispute Resolution	= \$1,125.00

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

ARBITRATION PANEL

Stuart H. Dunn	-	Public Arbitrator, Presiding Chairperson
Charles Mitchell Conover, Ph.D.	-	Public Arbitrator, Panelist
John E. Baynum, Sr.	-	Non-Public Arbitrator, Panelist

Concurring Arbitrators' Signatures

Stuart H. Dunn  
Stuart H. Dunn  
Public Arbitrator, Presiding Chairperson

12/19/05  
Signature Date

Charles Mitchell Conover, Ph.D.  
Charles Mitchell Conover, Ph.D.  
Public Arbitrator, Panelist

Signature Date

John E. Baynum, Sr.  
John E. Baynum, Sr.  
Non-Public Arbitrator, Panelist

Signature Date

December 22, 2005  
Date of Service (For NASD Dispute Resolution office use only)

Concurring Arbitrators' Signatures

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Stuart H. Dunn  
Public Arbitrator, Presiding Chairperson

\_\_\_\_\_  
Signature Date

Charles Mitchell Conover  
Charles Mitchell Conover, Ph.D.  
Public Arbitrator, Panelist

12/19/05  
Signature Date

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Public Arbitrator, Presiding Chairperson

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Signature Date

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Charles Mitchell Conover, Ph.D.

Public Arbitrator, Panelist

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Signature Date



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John E. Baynum, Sr.

Non-Public Arbitrator, Panelist

19 Dec 05

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Signature Date

December 22, 2005

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Date of Service (For NASD Dispute Resolution office use only)