

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant

Case Number: 05-01616

Carol Belisle

Names of the Respondent

Hearing Site: Columbia, South Carolina

Wachovia Securities, LLC

Nature of the Dispute: Customer vs. Member.

REPRESENTATION OF PARTIES

Claimant, Carol Belisle, hereinafter referred to as "Claimant", was represented by W. Brantley Harvey, Jr., Esq., Harvey & Battey, P.A., Beaufort, South Carolina.

Respondent, Wachovia Securities, LLC, hereinafter referred to as "Respondent", was represented by Tommy Lydon, Esq., McAngus, Goudelock & Courie, LLC, Columbia, South Carolina.

CASE INFORMATION

Statement of Claim filed on March 23, 2005.

Claimant signed the Uniform Submission Agreement on November 30, 2005.

Statement of Answer filed by Respondent on June 10, 2005.

A representative of Respondent executed the Uniform Submission Agreement on June 30, 2005.

CASE SUMMARY

Claimant asserted the following causes of action, among others: negligence and breach of contract. The causes of action relate to LeapFrog Enterprise and LeapFrog Smart Products stocks.

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim.

RELIEF REQUESTED

Claimant in her Statement of Claim requested:

Compensatory Damages

\$32,199.47

Attorneys' Fees

amount unspecified

Other Costs

amount unspecified

Respondent in its Statement of Answer requested that Claimant's claims be dismissed, an award of costs and attorney's fees, and any further relief as may be just and proper.

AWARD

After considering the pleadings, the testimony and evidence presented at the hearing, and the post-hearing submissions, the Arbitrator 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 \$16,000.00;
2. The parties shall bear their respective costs, including attorney's 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	= \$ 175.00
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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 is a party.

Member surcharge	= \$ 875.00
Pre-hearing process fee	= \$ 750.00
<u>Hearing process fee</u>	<u>= \$1,000.00</u>
Total Member Fees	= \$2,625.00

Forum Fees and Assessments

The Arbitrator 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 a single arbitrator @ \$450.00	= \$ 450.00
Pre-hearing conference: August 17, 2005 1 session	

Two (2) Hearing sessions @ \$450.00	= \$ 900.00
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<u>Hearing Date: November 1, 2005 2 sessions</u>	
Total Forum Fees	= \$1,350.00

The Arbitrator has assessed \$1,350.00 of the forum fees to Respondent.

FEE SUMMARY

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

<u>Initial Filing Fee</u>	= \$ 175.00
<u>Total Fees</u>	= \$ 175.00
<u>Less payments</u>	= \$ 675.00
<u>Refund Owed Claimant</u>	= \$ 450.00

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

<u>Member Fees</u>	= \$2,625.00
<u>Forum Fees</u>	= \$1,350.00
<u>Total Fees</u>	= \$3,975.00
<u>Less payments</u>	= \$2,625.00
<u>Balance Due NASD Dispute Resolution</u>	= \$1,350.00

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

SOLE ARBITRATOR

Williams F. Julavits, Esq.

- Public Arbitrator, Presiding Panelist

Arbitrator's Signature

Williams F. Julavits, Esq.
Public Arbitrator, Presiding Panelist

Signature Date

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

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FEE SUMMARY

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<u>Initial Filing Fee</u>	= \$ 175.00
<u>Total Fees</u>	= \$ 175.00
<u>Less payments</u>	= \$ 675.00
<u>Refund Owed Claimant</u>	= \$ 450.00

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

<u>Member Fees</u>	= \$2,625.00
<u>Forum Fees</u>	= \$1,350.00
<u>Total Fees</u>	= \$3,975.00
<u>Less payments</u>	= \$2,625.00
<u>Balance Due NASD Dispute Resolution</u>	= \$1,350.00

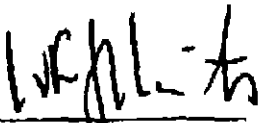
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SOLE ARBITRATOR

Williams F. Julavits, Esq.

- Public Arbitrator, Presiding Panelist

Arbitrator's Signature



Williams F. Julavits, Esq.
Public Arbitrator, Presiding Panelist

12.16.05

Signature Date

December 19, 2005
Date of Service (For NASD Dispute Resolution office use only)