

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Louis Theodore IRA (Claimant) v. TD Waterhouse Investor Services, Inc. (Respondent)

Case Number: 05-02640

Hearing Site: New York, New York

Nature of the Dispute: Customer v. Member

REPRESENTATION OF PARTIES

Claimant Louis Theodore IRA hereinafter referred to as "Claimant" appeared *pro-se*.

Respondent TD Waterhouse Investor Services, Inc. hereinafter referred to as "Respondent":
Jennifer E. Taylor, Esq., and Miles D. Hart, Esq., Hertz, Schram & Saretsky, P.C., Bloomfield, MI.

CASE INFORMATION

Statement of Claim filed on or about: May 16, 2005.

Claimant signed the Uniform Submission Agreement: May 24, 2005.

Statement of Answer filed by Respondent on or about: June 30, 2005.

Respondent signed the Uniform Submission Agreement: July 29, 2005.

CASE SUMMARY

Claimant asserted the following cause of action: calling of bonds. The cause of action relates to zero coupon Motorola convertible bonds.

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$12,800.00 and reimbursement of \$575.00 for previously paid NASD fees.

Respondent requested dismissal of the Statement of Claim in its entirety with prejudice and any other relief the Panel deems just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

At the February 27, 2006 hearing, Respondent moved to dismiss the case for failure to state a claim. After due deliberation, the Arbitrator denied the motion.

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. Claimant's claims are hereby dismissed in their entirety.
2. Any and all relief not specifically addressed herein is denied.

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	= \$ 125.00
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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 firm that employed the associated person at the time of the events giving rise to the dispute. Accordingly, TD Waterhouse Investor Services, Inc. is a party.

Member surcharge	= \$ 425.00
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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, including a pre-hearing conference with the arbitrator, that lasts four (4) hours or less. Fees associated with these proceedings are:

Two (2) Pre-hearing sessions with single arbitrator @ \$450.00	= \$ 900.00
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Pre-hearing conferences:	September 28, 2005	1 session
	February 20, 2006	1 session

One (1) Hearing session with single arbitrator @ \$450.00	= \$ 450.00
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Hearing date:	February 27, 2006	1 session
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Total Forum Fees	= \$1,350.00
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1. The Arbitrator has assessed \$1,350.00 of the forum fees to Respondent.

Fee Summary

1. Claimant is solely liable for:

<u>Initial Filing Fee</u>	= \$	125.00
<u>Total Fees</u>	= \$	125.00
<u>Less payments</u>	= \$	575.00
<u>Refund Due Claimant</u>	= \$	450.00

2. Respondent is solely liable for:

<u>Member Fees</u>	= \$	425.00
<u>Forum Fees</u>	= \$	1,350.00
<u>Total Fees</u>	= \$	1,775.00
<u>Less payments</u>	= \$	425.00
<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.

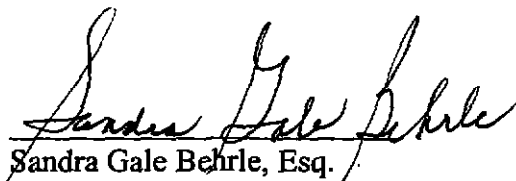
ARBITRATOR

Sandra Gale Behrle, Esq.

Sole Public Arbitrator

Arbitrator's Signature

I, the undersigned arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument, which is my award.


Sandra Gale Behrle, Esq.
Sole Public Arbitrator

3 April 2006
Signature Date

April 4, 2006

Date of Service (For NASD Dispute Resolution use only)