

**Award**  
**NASD Dispute Resolution, Inc.**

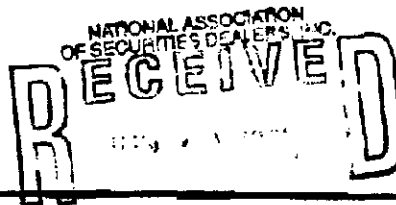
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In the Matter of the Arbitration Between:

Thomas Kintonis, (Claimant) v. Raymond James & Associates, Inc., and Gerard Phillips  
(Respondents)

Case Number: 00-03771

Paper Case



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**REPRESENTATION OF PARTIES**

Claimant Thomas Kintonis ("Kintonis"): Leslie A. Blau, Esq., Blau & Bonavich,  
Chicago, Illinois.

Respondent Gerard Phillips ("Phillips") and Raymond James & Associates, Inc.  
("Raymond James"), hereinafter collectively referred to as "Respondents": John M.  
Norton, II, Esq., Legal Department of Raymond James & Associates, Inc., St. Petersburg,  
Florida

**CASE INFORMATION**

Statement of Claim filed on or about: August 29, 2000

Claimant Kintonis signed the Uniform Submission Agreement: September 01, 2000

Statement of Answer filed by Respondent Raymond James on or about: September 19,  
2000

Respondent Raymond James signed the Uniform Submission Agreement: October 26,  
2000

**CASE SUMMARY**

Claimant asserted the following causes of action: Failure to execute order.

The causes of action relate to the order execution of the Incyte Pharmaceuticals Inc.  
stock.

Unless specifically admitted in its Answer, Respondents denied the allegations made in the  
Statement of Claim and asserted the following defenses: Assumption of Risk; Ratification;  
Estoppel; Account Handled in Compliance with Applicable Brokerage Industry Standards,

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Guidelines and Regulatory Requirements; Superseding or Intervening Causes Beyond the Control of Respondents; Loss Incurred Due to Claimant's Own Conduct; and Failure to Mitigate.

### RELIEF REQUESTED

**Claimant requested:**

Compensatory Damages	\$12,500.00
Interest	unspecified
Costs	unspecified
Other Monetary/Non-Monetary Relief if any:	relief panel deems appropriate

**Respondents requested:**

Other Monetary/Non-Monetary Relief if any:	dismissal and any relief panel deems just and proper
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### AWARD

After considering the pleadings the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. Any and all relief requested by Claimant Thomas Kintonis is denied with prejudice.
2. Any and all costs incurred are to be borne by the party incurring them.
3. 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, Inc. 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. In this matter, the member firm is a party.

Member surcharge	= \$400.00
Total Member Fees	= \$400.00

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**Forum Fees and Assessments**

The panel has the authority to assess forum fees pursuant to 10302(c) of the Code of Arbitration Procedure. The forum fee is \$300.00

1. The panel has assessed \$150.00 of the forum fees to Claimant Kintonis.
2. The panel has assessed \$150.00 of the forum fees jointly and severally to Respondents Raymond James and Phillips.

**Fee Summary**

1. Claimant Kintonis is solely liable for:

Initial Filing Fee	= \$ 125.00
Forum Fees	= \$ 150.00
Total Fees	= \$ 275.00
Less payments	= \$ 575.00
Balance Due From NASD Dispute Resolution, Inc.	= \$ 300.00

2. Respondent Raymond James is solely liable for:

Member Fees	= \$ 400.00
Total Fees	= \$ 400.00
Less payments	= \$ 400.00
Balance Due NASD Dispute Resolution, Inc.	= \$ 0.00

3. Respondents Raymond James and Phillips are jointly and severally liable for:

Forum Fee	= \$150.00
Total Fees	= \$150.00
Less payments	= \$600.00
Balance Due From NASD Dispute Resolution, Inc. to Raymond James	

= \$450.00

All balances are due to NASD Dispute Resolution, Inc.

**ARBITRATION PANEL**

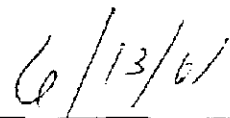
Ellen J. Alexander

Public/Non-Public, Presiding Chair

**Arbitrator's Signature**



Ellen J. Alexander  
Public Arbitrator, Presiding Chair

  
Signature Date

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