

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between:

Gordon Kerr, Claimant v. J. Alexander Securities, Inc. and James Alexander, Respondents

Case Number: 00-04303

Hearing Site: Los Angeles, California

REPRESENTATION OF PARTIES

For Claimant Gordon Kerr:

Gordon Kerr
In Propria Persona
Walnut, California

For Respondents J. Alexander Securities, Inc.
and James Alexander

Jon L. Rewinski, Esq.
Heller Ehrman White &
McAuliffe LLP
Los Angeles, California

CASE INFORMATION

Statement of Claim filed by Gordon Kerr: September 26, 2000

Claimant Gordon Kerr's Uniform Submission Agreement signed: September 26, 2000

Statement of Answer and Counterclaim filed by Respondents J. Alexander Securities, Inc. and
James Alexander: December 13, 2000

Respondent J. Alexander Securities, Inc.'s Uniform Submission Agreement signed: May 9, 2001

Respondent James Alexander's Uniform Submission Agreement signed: May 9, 2001

Counter-Respondent Gordon Kerr's Statement of Answer filed: December 31, 2001

CASE SUMMARY

Claimant Gordon Kerr ("Claimant") alleged breach of contract, negligence, fraud, misrepresentation, breach of fiduciary duty, failure to supervise, wrongful termination, libel and slander, emotional distress and violations of the California Labor Code and NASD and SEC Rules.

Respondents J. Alexander Securities, Inc. and James Alexander ("Respondents") denied the allegations of wrongdoing set forth in Claimant's Statement of Claim and filed a Counterclaim against Claimant for indemnity and breach of duty.

RELIEF REQUESTED

According to Claimant's Statement of Claim Information Sheet, Claimant requested \$320,000 in actual damages for lost income, loss of reputation and personal injury, and \$320,000 in punitive damages.

Respondents requested dismissal with prejudice of the Claimant's Statement of Claim, assessment of all costs and forum fees against Claimant, reimbursement of Respondent's costs and attorney's fees, and other damages according to proof.

OTHER ISSUES CONSIDERED AND DECIDED

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, testimony, and evidence presented at the hearing, the Panel decided in full and final resolution of the issues submitted for determination as follows:

- 1) Claimant's Statement of Claim is dismissed with prejudice and all requests for damages therein are expressly denied.
- 2) Respondents' Counterclaim is dismissed with prejudice and all requests for damages therein are expressly denied.
- 3) Each party shall bear his/its own costs, including attorney's fees.
- 4) All other relief not expressly granted is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution, Inc. received or will collect the non-refundable filing fees for each claim as follows:

Initial claim filing fee	= \$ 375.00
J. Alexander Securities, Inc.'s and James Alexander's Counterclaim	= \$ 1,250.00

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 J. Alexander Securities, Inc. is a party and the following fees are assessed:

Member Surcharge	= \$ 2,000.00
Pre-Hearing Process Fee	= \$ 600.00
<u>Hearing Process Fee</u>	<u>= \$ 3,500.00</u>
Total Member Fees	= \$ 6,100.00

Forum Fees and Assessments

The Panel assessed a forum fee for each pre-hearing conference or hearing session conducted. A pre-hearing conference and hearing session is any meeting between the parties and the Panel. The following fees are assessed:

2 Pre-hearing conference sessions with the Panel @ \$1,200.00/session	= \$ 2,400.00
Pre-hearing conference: April 20, 2001 1 session	
August 22, 2001 1 session	
4 Hearing sessions @ \$1,200.00/session	= \$ 4,800.00
Hearings: September 19, 2001 2 sessions	
September 20, 2001 2 sessions	
Total Forum Fees	= \$ 7,200.00

The Panel assessed \$ 7,200.00 of the forum fees to Claimant Gordon Kerr.

Fee Summary

1. Claimant Gordon Kerr is charged with the following fees and costs:

Initial Filing Fee	= \$ 375.00
<u>Forum Fees</u>	= \$ 7,200.00
Total Fees	= \$ 7,575.00
<u>Less payments</u>	= \$(1,575.00)
Balance Due NASD Dispute Resolution, Inc.	= \$ 6,000.00

2. Respondents J. Alexander Securities, Inc. is charged with the following fees and costs:

Member Fees	= \$ 6,100.00
<u>Less payments</u>	= \$(6,100.00)
Balance Due NASD Dispute Resolution, Inc.	= \$ 0.00

3. Respondents J. Alexander Securities, Inc. and James Alexander are charged jointly and severally with the following fees and costs:

Counterclaim Filing Fee	= \$ 1,250.00
<u>Less payments by J. Alexander Securities, Inc.</u>	= \$(2,450.00)
Refund Due J. Alexander Securities, Inc.	= \$(1,200.00)

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

ARBITRATION PANEL

Louis R. Eglash, Esq.
John E. Ohashi, Esq.
Rita Gordon-Carrow

Public Arbitrator, Presiding Chair
Public Arbitrator
Non-Public Arbitrator

Concurring Arbitrators' Signatures


Louis R. Eglash, Esq.
Chair, Public Arbitrator

10-25-01
Signature Date

John E. Ohashi, Esq.
Public Arbitrator

Signature Date

Rita Gordon-Carrow
Industry Arbitrator

Signature Date

10/30/01
Date of Service

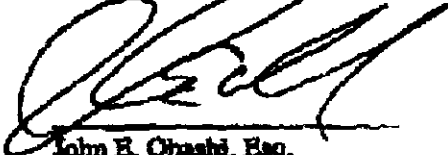
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Public Arbitrator

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10/26/01

Signature Date

Rita Gordon-Carrow
Industry Arbitrator

Signature Date

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