

**NASD DISPUTE RESOLUTION AWARD**  
**NASD DISPUTE RESOLUTION, INC.**

CASE: 00-04996

Gerald E. Kloth, claimant vs. Fidelity Investments and Rydex Distributors Inc., respondents.

---

**ATTORNEYS:**

Claimant, Gerald E. Kloth appeared Pro Se, Mequon, WI.

For Respondent Fidelity Investments ("Fidelity") appeared Colleen A. Hankins, Esq., in-house counsel, Boston, MA.

For Respondent Rydex Distributors, Inc. ("Rydex") appeared Christina T. Ng, Esq., of the firm Morgan, Lewis & Bockius LLP, Miami, FL.

---

DATE FILED: November 10, 2000

---

**CASE SUMMARY:** Claimant alleged respondents mishandled the transfer of his Fidelity SEP IRA account. Claimant maintained that due to respondents' negligence, he incurred losses.

---

**Claim Data**

Claim: \$15,611.73  
Punitive: \$5,000.00  
Filing Fees: \$425.00

---

**Award Data**

Award: \$.00  
Punitive: \$.00  
Filing Fees: \$.00

---

**AWARD:** The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) The claims of claimant are dismissed in their entirety. 2) All requests for punitive damages are denied. 3) All other relief requests are denied. 4) The \$425.00 filing fee previously deposited with NASD Dispute Resolution, Inc. by the claimant, shall be retained by NASD Dispute Resolution, Inc.

---

**OTHER FEES:** Pursuant to Rule 10333 of the Code, respondent have each paid to NASD Dispute Resolution, Inc. the \$400.00 Member Surcharge previously invoiced.

---

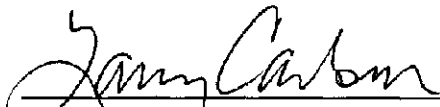
Page Two  
Award 00-04996

Larry Carlson, Esq.

Public Arbitrator

**AFFIRMATION**

I, Larry Carlson, do hereby affirm, upon my oath as arbitrator that I am the individual described herein who executed this instrument, which is my oath and award.

  
Larry Carlson, Esq.

22 June 2001  
Signature Date

July 3, 2001  
Date of Service (for NASD office use only)