

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between:

Richard Napoleon, (Claimant) v. H&R Block Financial Advisors, Inc., f/k/a Olde Discount Corporation and Glenn Kendall, (Respondents)

Case Number: 00-05308

Hearing Site: Chicago, Illinois

REPRESENTATION OF PARTIES

Claimant Richard Napoleon ("Napoleon"): was *pro se*.

Respondent H&R Block Financial Advisors, Inc., f/k/a Olde Discount Corporation ("H&R Block"), and Glenn Kendall ("Kendall") hereinafter collectively referred to as "Respondents": Howard M. Klausmeier, Esq., Legal Department, H&R Block Financial Advisors, Inc., Detroit, Michigan.

CASE INFORMATION

Statement of Claim filed on or about: November 30, 2000

Claimant Napoleon signed the Uniform Submission Agreement: November 26, 2000

Reply to the Statement of Answer filed by Claimant on or about: February 11, 2001

Statement of Answer filed by Respondents on or about: June 08, 2001

Respondent H&R Block signed the Uniform Submission Agreement: December 20, 2000

Respondent Kendall signed the Uniform Submission Agreement: January 09, 2001

CASE SUMMARY

Claimant Richard Napoleon asserted the following causes of action: negligence, failure to supervise, omission of facts, misrepresentation/non-disclosure.

The causes of action relate to the Novell Stock.

Unless specifically admitted in its Answer, Respondents H&R Block Financial Advisors, Inc., f/k/a Olde Discount Corporation and Glenn Kendall denied the allegations made in the Statement of Claim and asserted the following defenses: Failure to State a Claim Upon

Which Relief May be Granted; Statute of Frauds; Laches, Waiver, Estoppel and Ratification; Assumption of Risk; Economic, Industry, Corporate and Market Conditions Were Responsible for Losses; Statute of Limitations.

RELIEF REQUESTED

Claimant Richard Napoleon requested:

Compensatory Damages	\$17,000.00
Other Costs	not specified

Respondent H&R Block Financial Advisors, Inc., f/k/a Olde Discount Corporation and Glenn Kendall requested:

Other Monetary/Non-Monetary Relief if any:	Expungement of Respondent Kendall's Record and Dismissal with Prejudice
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AWARD

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

1. Any and all relief asserted by Claimant Richard Napoleon against Respondents H&R Block Financial Advisors, Inc., f/k/a Olde Discount Corporation and Glenn Kendall is denied.
2. Parties shall bear their own costs, including attorney's fees.
3. The panel recommends the expungement of all reference to the above-captioned arbitration from Respondent Glenn Kendall's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notice to Members 99-09, Respondent Glenn Kendall must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.
4. 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

Forum Fees and Assessments

The panel has the authority to assess forum fees for each hearing session conducted. A hearing session is any meeting between the parties and the arbitrators, including a pre-hearing conference with the arbitrators, that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with a single arbitrator x \$450.00	= \$450.00
Pre-hearing conference: July 10, 2001 1 session	
One (1) Hearing sessions x \$450.00	= \$450.00
Hearing Date: October 25, 2001 1 session	
Total Forum Fees	= \$900.00

1. The panel has assessed \$450.00 of the forum fees to Claimant Richard Napoleon.
2. The panel has assessed \$450.00 of the forum fees jointly and severally to Respondents H&R Block Financial Advisors, Inc., f/k/a Olde Discount Corporation and Glenn Kendall

Fee Summary

1. Claimant Richard Napoleon solely liable for:

Initial Filing Fee	= \$ 125.00
Forum Fees	= \$ 450.00
Total Fees	= \$ 575.00
Less payments	= \$ 575.00
Balance Due NASD Dispute Resolution, Inc.	= \$ 0.00

2. Respondent H&R Block Financial Advisors, Inc., f/k/a Olde Discount Corporation 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. Respondent H&R Block Financial Advisors, Inc., f/k/a Olde Discount Corporation and Glenn Kendall are jointly and severally liable for:

Forum Fees	= \$ 450.00
Balance Due NASD Dispute Resolution, Inc.	= \$ 450.00

All balances are due to NASD Dispute Resolution, Inc.

ARBITRATION PANEL

Robert L. Augusto, Esq.

- Public Arbitrator, Presiding Chair

Arbitrator's Signature



Robert L. Augusto, Esq.
Public Arbitrator, Presiding Chair

11-13-2001

Signature Date

11/13/01

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