

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

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In the Matter of the Arbitration Between:

Kendra Poulsen, Claimant v. National Planning Corporation, Respondent

Case Number: 01-01048

Hearing Site: Los Angeles, California

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**REPRESENTATION OF PARTIES**

For Claimant:

H. Thomas Fehn, Esq.  
Fields, Fehn & Sherwin  
Los Angeles, California

For Respondent:

Jennifer A. Zolezzi, Esq.  
Jones, Bell, Abbott, Fleming & Fitzgerald  
Los Angeles, California

**CASE INFORMATION**

Statement of Claim filed: February 26, 2001

Claimant's Uniform Submission Agreement signed: filed March 2, 2001

Statement of Answer filed by Respondent National Planning Corporation: May 9, 2001

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

**CASE SUMMARY**

Claimant alleged breach of fiduciary duty, breach of contract, constructive termination of employment, and fraud.

Respondent denied the allegations of wrongdoing set forth in the Claimant's Statement of Claim.

**RELIEF REQUESTED**

Claimant requested \$31,250.00 as compensation for her period of unemployment and \$59,705.00 as overrides plus costs and attorney's fees.

Respondent requested dismissal of the Claimant's Statement of Claim in its entirety, and requested costs and other expenses incurred in connection with the defense of this action.

### **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) Respondent National Planning Corporation is liable to and shall pay Claimant Kendra Poulsen \$10,416.66 in compensatory damages.
- 2) The parties shall bear their respective costs, including attorney's fees.
- 3) All other relief requested and 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	= \$ 225.00
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#### **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 which gave rise to the dispute, claim, or controversy. Accordingly, the member firm National Planning Corporation is a party and the following fees are assessed:

Member Surcharge	= \$ 1,000.00
Pre-Hearing Process Fee	= \$ 600.00
<u>Hearing Process Fee</u>	<u>= \$ 1,500.00</u>
<b>Total Member Fees</b>	<b>= \$ 3,100.00</b>

#### **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 Chair or Panel. The following fees are assessed:

(1) Pre-hearing conference session with the Panel @ \$750.00/session	= \$ 750.00
Pre-hearing conference: September 4, 2001 1 session	

(2) Hearing sessions @ \$750.00/session = \$ 1,500.00  
Hearings: March 12, 2002 2 sessions

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**Total Forum Fees = \$ 2,250.00**

1. The Panel assessed \$ 1,125.00 of the forum fees to Claimant Kendra Poulsen.
2. The Panel assessed \$ 1,125.00 of the forum fees to Respondent National Planning Corporation.

**Fee Summary**

1. Claimant Kendra Poulsen is charged with the following fees and costs:

Initial Filing Fee	= \$ 225.00
<u>Forum Fees</u>	<u>= \$ 1,125.00</u>
Total Fees	= \$ 1,350.00
<u>Less payments</u>	<u>= \$(1,750.00)</u>
<b>Refund Due Claimant</b>	<b>= \$ (400.00)</b>

2. Respondent National Planning Corporation is charged with the following fees and costs:

Member Fees	= \$ 3,100.00
<u>Forum Fees</u>	<u>= \$ 1,125.00</u>
Total Fees	= \$ 4,225.00
<u>Less payments</u>	<u>= \$(3,100.00)</u>
<b>Balance Due NASD Dispute Resolution, Inc.</b>	<b>= \$ 1,125.00</b>

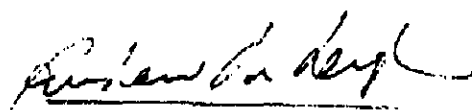
All balances are payable to NASD Dispute Resolution, Inc. and are due upon the receipt of the Award pursuant to Rule 10330(g) of the Code.

NASD Dispute Resolution, Inc.  
Arbitration No 01-01048  
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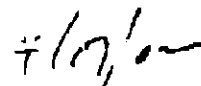
**ARBITRATION PANEL**

Richard M. Leigh	-	Non-Public, Presiding Chair
Stephen Bixey, Jr.	-	Non-Public Arbitrator
Robert Taylor	-	Non-Public Arbitrator

**Concurring Arbitrators' Signature(s)**



Richard M. Leigh  
Chair, Non-Public Arbitrator



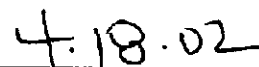
Signature Date

Stephen Bixey, Jr.  
Non-Public Arbitrator

Signature Date

Robert Taylor  
Non-Public Arbitrator

Signature Date



Date of Service

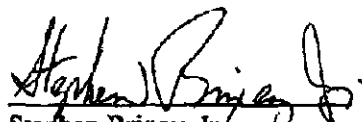
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<i>Richard M. Leigh</i>	-	<i>Non-Public, Presiding Chair</i>
<i>Stephen Brixey, Jr.</i>	-	<i>Non-Public Arbitrator</i>
<i>Robert Taylor</i>	-	<i>Non-Public Arbitrator</i>

**Concurring Arbitrators' Signature(s)**

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Richard M. Leigh  
Chair, Non-Public Arbitrator

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Signature Date

  
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Stephen Brixey, Jr.  
Non-Public Arbitrator

4-18-02  
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Signature Date

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Robert Taylor  
Non-Public Arbitrator

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Signature Date

4-18-02  
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Date of Service