
Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between:

Ross R. Clark and Sandra E. Clark,
Claimants

Vs.

Case Number: 01-02989

Fifth Third Securities, Inc.,
Respondent.

Hearing Site: Cincinnati, Ohio

REPRESENTATION OF PARTIES

William H. Blessing, Esquire, of Cincinnati, Ohio, represented Claimants Ross R. Clark and Sandra E. Clark ("Claimants").

Joseph M. Callow, Esquire, of Keating Muething & Klekamo, P.L.L., Cincinnati, Ohio, represented Respondent Fifth Third Securities, Inc. ("Fifth Third").

CASE INFORMATION

The Statement of Claim was filed on or about June 6, 2001.
Claimants each signed the Uniform Submission Agreement on May 18, 2001.

Fifth Third filed its Statement of Answer on or about July 31, 2001.
John McDaniel, Associate Counsel for Fifth Third, signed the Uniform Submission Agreement on July 31, 2001.

CASE SUMMARY

Claimants asserted the following causes of action against the Respondent: wrongful conversion and breach of fiduciary duty. These allegations related to transactions involving "QXLC" common stock.

Unless specifically admitted in its Statement of Answer, Fifth Third denied all allegations set forth in the Statement of Claim.

RELIEF REQUESTED

Claimants requested the following relief:

Compensatory Damages	\$20,175.00
Punitive Damages	\$50,000.00

Claimants also requested the return of converted funds to their account.

Fifth Third requested that the Statement of Claim be dismissed in its entirety and that it be awarded costs and fees.

AWARD

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

1. All claims filed by Claimants Ross R. Clark and Sandra E. Clark against Respondent Fifth Third Securities, Inc., are dismissed with prejudice.
2. Except as otherwise specified herein, each party shall bear its own costs and attorneys' fees.
3. Any and all relief not specifically addressed herein (including punitive damages) is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

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

Initial claim filing fee	= \$ 225.00
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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(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. In this matter, the member firm is a party.

Member Surcharge	= \$1,000.00
Pre-hearing Process Fee	= \$ 600.00
Hearing Process Fee	= \$1,500.00

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 arbitrator(s), including a pre-hearing conference with the Panel that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with Panel	x \$750	= \$ 750.00
Pre-hearing conference:	January 15, 2002	1 session

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Two (2) Hearing sessions x \$750

= \$1,500.00

Hearing Date: May 14, 2002 2 sessions

Total Forum Fees

= \$2,250.00

The Panel has assessed the forum fees as follows: one half (\$1,125.00) is assessed jointly and severally to Claimants Ross R. Clark and Sandra E. Clark, and one half (\$1,125.00) is assessed solely to Respondent Fifth Third Securities, Inc.

FEE SUMMARY

1. Claimants are jointly and severally liable for:

Initial Filing Fee = \$ 225.00

Forum Fees = \$1,125.00

Total Fees = \$1,350.00

Less payments = \$ 975.00

Balance Due to NASD Dispute Resolution, Inc. = \$ 375.00

2. Respondent Fifth Third Securities, Inc., is solely liable for:

Member Fees = \$3,100.00

Forum Fees = \$1,125.00

Total Fees = \$4,225.00

Less payments = \$3,100.00

Balance Due to NASD Dispute Resolution, Inc. = \$1,125.00

ARBITRATION PANEL

Charles D. Underwood, Jr., Esq.

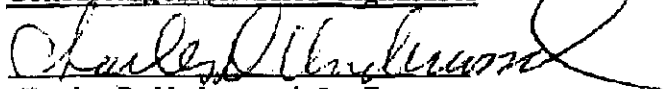
Public Arbitrator, Presiding Chair

William W. Oliver

Public Arbitrator

John B. Glueckert

Non-Public Arbitrator

Concurring Arbitrators' Signatures

Charles D. Underwood, Jr., Esq.

Public Arbitrator, Presiding Chair

6-10-02
Signature DateWilliam W. Oliver

Public Arbitrator

Signature DateJohn B. Glueckert

Non-Public Arbitrator

Signature Date_____
Date of Service

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ARBITRATION PANEL

Charles D. Underwood, Jr., Esq.	-	Public Arbitrator, Presiding Chair
William W. Oliver	-	Public Arbitrator
John B. Glueckert	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

Charles D. Underwood, Jr., Esq.
Public Arbitrator, Presiding Chair



William W. Oliver
Public Arbitrator

John B. Glueckert
Non-Public Arbitrator

Date of Service

Signature Date

6/4/02
Signature Date

Signature Date

NASD-DR

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Charles D. Underwood, Jr., Esq.

- Public Arbitrator, Presiding Chair

William W. Oliver

- Public Arbitrator

John B. Glueckert

- Non-Public Arbitrator

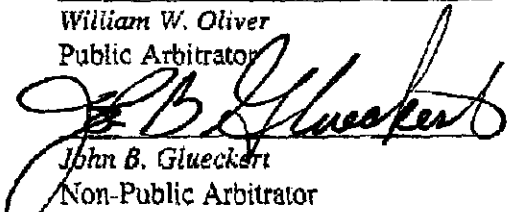
Concurring Arbitrators' Signatures

Charles D. Underwood, Jr., Esq.
Public Arbitrator, Presiding Chair

Signature Date

William W. Oliver
Public Arbitrator

Signature Date


John B. Glueckert
Non-Public Arbitrator

5-31-02
Signature Date

Date of Service