

Award
NASD Dispute Resolution



In the Matter of the Arbitration Between:

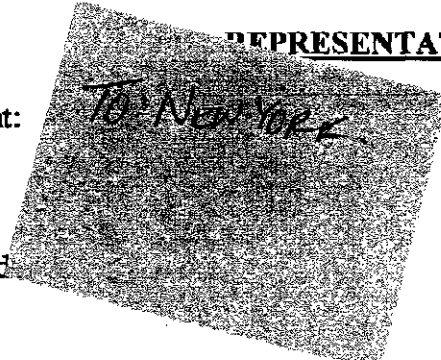
Ronald V. Johnston, Claimant v. Interfirst Capital Corporation and Bradford A. Phillips,
Respondents

Case Number: 01-03161

Hearing Site: San Diego, California

REPRESENTATION OF PARTIES

For Claimant:



Arthur S. Leider
Investors Arbitration Specialists, Inc.
San Diego, California

For Respondent:

Eric J. F. Redwine, Esq.
Redwine Law Offices
Dallas, Texas

CASE INFORMATION

Statement of Claim filed: June 1, 2001

Amended Statement of Claim filed: December 10, 2001

Claimant's Uniform Submission Agreement signed: March 23, 2001

Joint Statement of Answer filed by Respondents: January 9, 2002

Respondent Interfirst Capital Corporation's Uniform Submission Agreement signed: January 31, 2002

Respondent Bradford A. Phillips' Uniform Submission Agreement signed: January 31, 2002

CASE SUMMARY

In his Amended Statement of Claim, Claimant alleged breach of employment contract.

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

RELIEF REQUESTED

In his Amended Statement of Claim, Claimant requested compensatory damages in the sum of \$160,000.00, interest, legal fees, and arbitration costs.

Respondents requested dismissal of Claimant's Amended Statement of Claim in its entirety, expungement from all appropriate CRD records, attorney's fees, and arbitration costs.

OTHER ISSUES CONSIDERED AND DECIDED

On January 21, 2003, NASD Dispute Resolution received notice that Interfirst Capital Corporation filed Chapter 7 bankruptcy.

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

- 1) Respondent Bradford A. Philips is liable to and shall pay Claimant Ronald V. Johnston \$40,000.00 in compensatory damages.
- 2) Respondent Bradford A. Philips is liable to and shall pay Claimant Ronald V. Johnston interest on the sum of \$40,000.00 at the rate of 6% per annum simple interest from March 31, 2003 until paid in full.
- 3) The parties shall bear their respective costs, including attorney's fees.
- 4) 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 received or will collect the non-refundable filing fees for each claim as follows:

Initial claim filing fee = \$ 300.00

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:

1 Pre-hearing conference session with the Panel @ \$1,125.00/session = \$ 1,125.00
Pre-hearing conference: June 7, 2002 1 session

2 Hearing sessions @ \$1,125.00/session = \$ 2,250.00
Hearing: January 23, 2003 2 sessions

Total Forum Fees = \$ 3,375.00

The Panel assessed \$3,375.00 of the forum fees to Respondent Bradford A. Phillips.

Fee Summary

1. Claimant Ronald V. Johnston is charged with the following fees and costs:

Initial Filing Fee	= \$ 300.00
<u>Less payments</u>	<u>= \$(1425.00)</u>
Refund Due Claimant	= \$(1,125.00)

2. Respondent Bradford A. Phillips is charged with the following fees and costs:

<u>Forum Fees</u>	<u>= \$ 3,375.00</u>
Balance Due NASD Dispute Resolution	= \$ 3,375.00

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

ARBITRATION PANEL

Walter W. Klosterman	-	Non-Public Arbitrator, Presiding Chair
Alvin B. Asher	-	Non-Public Arbitrator
James O. Johnson, Jr.	-	Non-Public Arbitrator

Consenting Arbitrators' Signatures



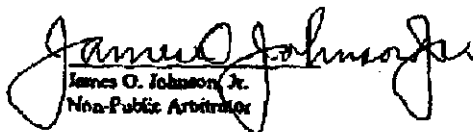
Walter W. Klosterman
Chair, Non-Public Arbitrator

2/20/03

Signature Date

Alvin B. Asher
Non-Public Arbitrator

Signature Date



James O. Johnson, Jr.
Non-Public Arbitrator

2/20/03

Signature Date

2/21/03

Date of Service