

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 03-06030

David Schill, Claimant v. Robert W. Baird & Co., Incorporated, and David L. Simonis, Respondents.

ATTORNEYS:

For Claimant, David Schill, ("Claimant"), appeared Avery B. Goodman, of A.B. Goodman Law Firm, Ltd., Fort Collins, CO.

Respondents, Robert W. Baird & Co., Incorporated, and David L. Simonis, ("Respondents"), appeared through their in-house counsel, Deborah J. Fabritz, Esq., Milwaukee, WI.

NATURE OF DISPUTE: Customer v. Member and Associated Person

DATE FILED: August 14, 2003

CASE SUMMARY: Claimant alleged that Respondents breached their fiduciary duty, breached their contract, recommended unsuitable stock, were negligent, and violated Wisconsin's Uniform Securities Act. Claimant additionally alleged that Respondent Robert W. Baird & Co., Incorporated was negligent in its supervision of Respondent David L. Simonis. Claimant's claim involved various securities, including Allen Telecom, Inc., Broadwing Communications, Calpine Corporation, Chiron Corporation, Philip Morris, Pride Intl., and Tyco Intl. stock, and an FT Unit 548 Tech Ser 15 mutual fund. Claimant maintained that due to Respondents' action, his account suffered financial losses.

Claim Data

Claim: \$17,444.80

Punitive Damages: \$7,559.20

Interest: Twelve percent (12%) on entire verdict from 5/31/02 until the award is paid in full

Attorney Fees: \$8,333.33

Filing Fees: \$425.00

Other: Unspecified

Award Data

Award: \$.00

Punitive Damages: \$.00

Interest: \$.00

Attorney Fees: \$.00

Filing Fees: \$106.25

Other: \$.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 the Claimant are dismissed in their entirety. 2) All requests for punitive damages are denied. 3) All requests for interest are denied. 4) All requests for attorney fees are denied. 5) All other relief requests are denied. 6) NASD Dispute Resolution shall retain the \$425.00 filing fee that the Claimant deposited previously. 7) Respondents are jointly and severally liable and shall pay to the Claimant \$106.25 as reimbursement of one-fourth of the filing fee.

OTHER FEES: Pursuant to Rule 10333 of the Code, Respondent Robert W. Baird & Co., Incorporated has paid to NASD Dispute Resolution the \$425.00 Member Surcharge previously invoiced.

ARBITRATOR

Fredric R. Dichter, J.D. - Sole Public Arbitrator

AFFIRMATION

I, Fredric R. Dichter, J.D., 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.

F R D
Fredric R. Dichter, J.D.

3/15/04
Signature Date

March 31, 2004
Date of Service (For NASD-DR office use only)