

**NASD DISPUTE RESOLUTION AWARD**  
**NASD DISPUTE RESOLUTION**

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CASE: 04-06679

Birch Rice, Claimant v. Advest, Inc., Respondent

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**ATTORNEYS:**

For Claimant Birch Rice ("Claimant") appeared Quintin F. Lindsmith, Esq., of the firm Zeiger, Tigges, Little & Lindsmith, LLP, Columbus, OH.

For Respondent Advest, Inc. ("Respondent") appeared Douglas R. Jennings, Esq., of the firm Carlile, Patchen & Murphy, LLP, Columbus, OH.

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**NATURE OF DISPUTE:** Customer vs. Member.

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**DATE FILED:** September 21, 2004.

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**CASE SUMMARY:** In this matter, Claimant sought to enforce the terms of a settlement agreement which had been entered into between Claimant and Respondent whereby Respondent was to have released any and all claims Respondent previously had against Claimant, including a margin obligation. Claimant maintained that due to Respondent's actions, he suffered losses. Claimant's claim did not involve securities.

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**Claim Data**

Claim: \$24,848.95  
Claim: Enforce terms of settlement agreement  
Interest: Unspecified  
Attorney Fees: Unspecified  
Filing Fees: Unspecified  
Other: Unspecified

**Award Data**

Claim: \$0.00  
Award: Granted  
Interest: \$0.00  
Attorney Fees: \$0.00  
Filing Fees: \$425.00  
Other: \$0.00

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**AWARD:** The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) The claim of Claimant to enforce the terms of the settlement agreement is granted. The Settlement Agreement and Release fully released and discharged the Margin Account Liability in Account No. 784-02821 which is directly related to Account No. 521-00256 (later re-designated WWA-014266-41). All encumbrances on Advest Account No. WWA-014266-41 are to be removed. 2) All claims for monetary damages are denied. 3) All requests for attorney fees are denied. 4) All requests for interest 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) Respondent is liable and shall pay Claimant \$425.00 as reimbursement of the filing fee.

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**OTHER FEES:** Pursuant to Rule 10333 of the Code, Respondent has paid to NASD Dispute Resolution the \$425.00 Member Surcharge previously invoiced.

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Jason C. Blackford, Esq.

Sole Public Arbitrator

AFFIRMATION

I, Jason C. Blackford, Esq., 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.

  
Jason C. Blackford, Esq.

3/17/05  
Signature Date

April 11, 2005  
Date of Service (For NASD-DR office use only)