

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Jerry Caporale (Claimant) v. H&R Block Financial Advisors (Respondent)

Case Number: 05-05862

Hearing Site: Philadelphia, Pennsylvania

Nature of the Dispute: Associated Person vs. Member.

REPRESENTATION OF PARTIES

Claimant Jerry Caporale, hereinafter referred to as "Claimant": James P. Brady, Esq., Attorney at Law, Toms River, NJ.

Respondent H&R Block Financial Advisors, hereinafter referred to as "Respondent": Kathleen A. Dedenbach, Esq., H&R Block Financial Advisors, Inc., Detroit, MI.

CASE INFORMATION

Statement of Claim filed on or about: November 10, 2005.

Claimant signed the Uniform Submission Agreement:

Statement of Answer filed by Respondent on or about: January 27, 2006.

Respondent signed the Uniform Submission Agreement: December 14, 2005.

CASE SUMMARY

Claimant asserted the following cause of action: breach of employment agreement.

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim and asserted an affirmative defense.

RELIEF REQUESTED

Claimant requested compensatory damages of at least \$770,002.50.

Respondent requested that Claimant's claim be dismissed in its entirety.

OTHER ISSUES CONSIDERED AND DECIDED

During the hearing, Respondent made a Motion to Dismiss. After due deliberation, the Panel denied the Motion.

The parties have 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, the testimony and evidence presented at the hearing, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimant's claims are denied in their entirety.
2. Any and all relief not specifically addressed herein is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

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

Initial claim filing fee	= \$ 375.00
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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 that employed the associated person at the time of the event giving rise to the dispute. Accordingly, H&R Block Financial Advisors is a party.

Member surcharge	= \$2,250.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$4,000.00

Forum Fees and Assessments

The Panel has assessed forum fees for each session conducted or each decision rendered on a discovery-related motion on the papers. A session is any meeting between the parties and the arbitrators, including a pre-hearing conference with the arbitrators, that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Decision on discovery-related motions on the papers
with (3) three arbitrators @ \$200.00 = \$ 600.00
Respondent submitted one discovery-related motion

Two (2) Pre-hearing sessions with Panel @ \$1,200.00 = \$2,400.00
Pre-hearing conferences: May 18, 2006 1 session
June 22, 2006 1 session

Four (4) Hearing sessions @ \$1,200.00 = \$4,800.00
Hearing Dates: January 9, 2007 2 sessions
January 10, 2007 2 sessions

Total Forum Fees = \$7,800.00

The Panel has assessed the forum fees for the Decision on discovery-related Motion on the papers as follows:

1. Claimant is assessed \$600.00 of the forum fees.

The Panel has assessed the forum fees for the Pre-hearing sessions as follows:

1. Claimant is assessed \$1,200.00 of the forum fees.
2. Respondent is assessed \$1,200.00 of the forum fees.

The Panel has assessed the forum fees for the Hearing sessions as follows:

1. Claimant is assessed \$2,880.00 of the forum fees.
2. Respondent is assessed \$1,920.00 of the forum fees.

Fee Summary

1. Claimant is solely liable for:

Initial Filing Fee	= \$ 375.00
Forum Fees	= \$ 4,680.00
Total Fees	= \$ 5,055.00
Less payments	= \$ 1,575.00
Balance Due NASD Dispute Resolution	= \$ 3,480.00

2. Respondent is solely liable for:


Member Fees	= \$ 7,000.00
Forum Fees	= \$ 3,120.00
Total Fees	= \$10,120.00
Less payments	= \$ 7,000.00
Balance Due NASD Dispute Resolution	= \$ 3,120.00

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

ARBITRATION PANEL

Howard B. Scherer	-	Public Arbitrator, Presiding Chairperson
John W. Thomas, Jr.	-	Public Arbitrator
Edward T. Borer	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures



Howard B. Scherer
Non-Public Arbitrator, Presiding Chairperson

1/12/07

Signature Date

John W. Thomas, Jr.
Non-Public Arbitrator

Signature Date

Edward T. Borer
Non-Public Arbitrator

Signature Date

January 23, 2007

Date of Service (For NASD Dispute Resolution use only)

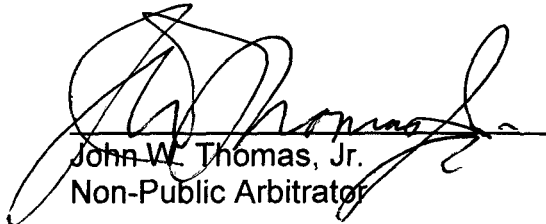
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Howard B. Scherer	-	Public Arbitrator, Presiding Chairperson
John W. Thomas, Jr.	-	Public Arbitrator
Edward T. Borer	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

Howard B. Scherer
Non-Public Arbitrator, Presiding Chairperson

Signature Date



John W. Thomas, Jr.
Non-Public Arbitrator

1-15-2007

Signature Date

Edward T. Borer
Non-Public Arbitrator

Signature Date

January 23, 2007

Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL

Howard B. Scherer	-	Public Arbitrator, Presiding Chairperson
John W. Thomas, Jr.	-	Public Arbitrator
Edward T. Borer	-	Non-Public Arbitrator

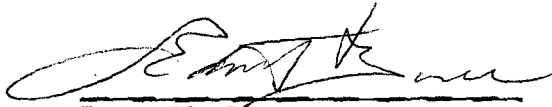
Concurring Arbitrators' Signatures

Howard B. Scherer
Non-Public Arbitrator, Presiding Chairperson

Signature Date

John W. Thomas, Jr.
Non-Public Arbitrator

Signature Date



Edward T. Borer
Non-Public Arbitrator

1/11/07

Signature Date

January 23, 2007

Date of Service (For NASD Dispute Resolution use only)