

## **AWARD**

### **NASD Regulation, Inc. Office of Dispute Resolution**

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In the Matter of Arbitration Between

Kurt Novey

Claimant,

and

No. 96-05034

Dickinson & Co.

Respondent.

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### **REPRESENTATION OF PARTIES**

Claimant Kurt Novey, ("Novey") was represented by Robert L. Yeager, III., Esq. located in Dallas, Texas.

Respondent Dickinson & Co., ("Dickinson") was represented by Barbara Bennett of Dickinson & Co. located in Des Moines, Iowa.

### **CASE INFORMATION**

Claimant Novey's Statement of Claim was filed on or about November 19, 1996.

Claimant Novey's Amended Statement of Claim was filed on July 28, 1997.

Claimant Novey's Submission Agreement was signed on November 6, 1996.

Respondent Dickinson's Statement of Answer and Counterclaim was filed on or about January 21, 1997.

Respondent Dickinson's Submission Agreement was signed on January 14, 1997.

### **HEARING INFORMATION**

The hearing was held on September 23, 1997 for a total of two (2) sessions.

The hearing was held in Dallas, Texas.

### AWARD

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

1. That Dickinson & Co is liable for and shall pay Kurt Novey reimbursement of attorney's fees and costs in the amount of \$20,376.01 plus interest, after June 30, 1997 at 6% per annum;
2. Additionally, that Dickinson & Co. is liable for and shall pay Kurt Novey attorney's fees and costs in this matter the amount of \$8,952.08 plus interest, from the date of this award at 6% per annum;
3. That the Counterclaim of Dickinson & Co is denied in its entirety;
4. Other than forum fees, which are addressed below, all other claims and requests for relief not specifically awarded here are, and each of them, hereby denied with prejudice.

### FORUM FEES

Forum fees are calculated at the rate of \$300.00 per hearing session. There were 2 hearing sessions x \$300.00 = \$600.00 in forum fees. Pursuant to § 10332(b) of the NASD Code of Arbitration Procedure (the "Code") a hearing session is any meeting between the parties and the arbitrator(s), including a pre-hearing conference with an arbitrator, which lasts four (4) hours or less.

Pursuant to § 10332 of the Code, the NASD Regulation, Inc. Office of Dispute Resolution shall **retain** the non-refundable filing fee of \$500.00 and shall **retain** as forum fees the hearing session deposit of \$300.00 previously deposited with the NASD Regulation, Inc. Office of Dispute Resolution by Claimant, Kurt Novey.

Pursuant to § 10333 of the Code, Respondent Dickinson & Co. is liable for and shall pay the NASD Regulation, Inc. Office of Dispute Resolution the non-refundable member surcharge of \$100.00. Pursuant to § 10332 of the Code, Respondent Dickinson & Co. is liable for and shall pay the NASD Regulation, Inc. Office of Dispute Resolution the non-refundable filing fee of \$500.00 for its Counterclaim.

Dickinson & Co. is liable for and shall pay the NASD Regulation, Inc. Office of Dispute Resolution

remaining forum fees in the amount of \$300 (=\$600.00 forum fees - \$300.00 previously deposited with the NASD by Claimant, Kurt Novey.)

**Fees are payable to the NASD Regulation, Inc. Office of Dispute Resolution.**

Concurring Arbitrators' Signatures

/s/ Charles T. Guittard

January 5, 1998

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Charles F. Guittard  
Chairperson  
Public Arbitrator

Dated:

/s/ Jack W. Rains

December 23, 1997

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Jack W. Rains  
Panelist  
Public Arbitrator

Dated:

/s/ Charles T. Dix

December 23, 1997

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Charles T. Dix  
Panelist  
Industry Arbitrator

Dated: