

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION, INC.

CASE: 99-00171

Everen Securities, Inc., Claimant vs. Frederic David Pinsler, Respondent.

ATTORNEYS:

For Claimant, Everen Securities, Inc. ("Claimant"), appeared Diane C. Fischer, Esq., of the firm Gomberg, Kane & Fischer, Ltd., Chicago, IL.

For Respondent, Frederic David Pinsler, ("Respondent"), appeared Steven Robert Verr, Esq., McHenry, IL.

DATE FILED: January 13, 1999

CASE SUMMARY: Claimant alleged that Respondent breached a written Promissory Note ("Note") signed by the Respondent, and failed to honor their contractual agreement.

COUNTERCLAIM: Respondent in its Counterclaim alleged that he was unlawfully terminated because of his age.

Claim Data

Claim: \$16,000.00

Interest: Interest accrued during the term of the Note, at the contract rate of 6.92% totaling \$839.31.

Interest: Interest on the balance due and owing under the Note from 3/20/95 to the date Respondent satisfies his obligations under the Note at the contract rate of 8.92% per annum.

Atty Fees: unspecified
Filing Fees: unspecified
Other: Unspecified

Counterclaim Data

Counterclaim: \$25,000.00
Other: Unspecified

Award Data

Award: \$16,000.00

Interest: totaling \$839.31; at the rate of 6.92% per annum accruing from the date of the 6/16/94 and 3/20/95 Notes.

Interest: totaling \$7,225.68; at the default rate of 8.62% from 3/20/95 until 4/10/00, plus additional interest of \$3.91 per day until the award is paid in full.

Atty Fees: \$3,550.00
Filing Fees: \$1,050.00
Other: \$.00

Counterclaim Award Data

Award: \$.00
Other: \$.00


AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) Respondent is liable and shall pay to the Claimant \$16,000.00. 2) Respondent is liable and shall pay to the Claimant interest of \$839.31 at 6.92% from the date of the notes June 16, 1994 and March 20, 1995; and \$7,225.68 at 8.62% from March 20, 1995 to April 10, 2000, plus further interest at the rate of \$3.91 per day until the award is paid in full. 3) Respondent is liable and shall pay to the Claimant \$3,550.00 as reimbursement for attorney fees. 4) All other relief requests are denied. 5) The \$1,050.00 filing fee previously deposited with NASD Dispute Resolution, Inc. by the Claimant, shall be retained by NASD Dispute Resolution, Inc. 6) Respondent is liable and shall pay to the Claimant \$1,050.00 as reimbursement of the filing fee. **COUNTERCLAIM:** 1) The counterclaim of Respondent is dismissed in its entirety. 2) All other relief requests are denied.

OTHER FEES: Pursuant to Rule 10333 of the Code, Claimant has paid to NASD Dispute Resolution, Inc. the \$400.00 Member Surcharge previously invoiced.

OTHER ISSUES: 1) Pursuant to Rule 10302 of the Code the Respondent request for a hearing was denied by the arbitrator. 2) The arbitrator did not review or consider additional submission by the Respondent as they were untimely.

AFFIRMATION

I, Perry L. Taylor, 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.



Perry L. Taylor

March 12, 2001
Date of award