

Award
NASD Regulation, Inc.

In the Matter of the Arbitration Between:
NatCity Investments, Inc., Claimant vs. Charles T. Mercer, Respondent.

Case Number: 99-00402

Hearing Site: Louisville, Kentucky

REPRESENTATION OF PARTIES

Claimant, NatCity Investments, Inc. hereinafter referred to as "Claimant" was represented by R. Gregg Hovious, Esq., of Tachau, Maddox, Hovious & Dickens PLC, Louisville, Kentucky.

Respondent, Charles T. Mercer, hereinafter referred to as "Respondent" was represented by Culver V. Halliday, esq., of Stoll, Keenan & Park, LLP, Louisville, Kentucky.

CASE INFORMATION

Statement of Claim was filed on or about: January 21, 1999.

Claimant, signed the Uniform Submission Agreement on: January 21, 1999.

Statement of Answer filed by Respondent on or about: May 6, 1999.

Respondent, (Name), signed the Uniform Submission Agreement on: May 6, 1999.

CASE SUMMARY

Claimant asserted the following causes of action: Breach of contract; and violation of the Kentucky Uniform Trade Secrets Act. The allegations arose out of an employment relationship between the parties, and the subsequent termination thereof.

Unless specifically admitted in his Answer, Respondent denied the allegations made in the Statement of Claim.

RELIEF REQUESTED

Claimant(s) requested:

Compensatory Damages (at least)	\$38,500.00
Interest (pre and post-judgment)	\$unspeçified
Attorneys' Fees	\$unspeçified
Other Costs	\$unspeçified
Other Monetary/Non-Monetary Relief if any:	\$unspeçified

Respondent requested:

Costs

Other Relief if any:

\$unspecified

dismissal of Claims and
any other relief to which he
may be entitled.

OTHER ISSUES CONSIDERED AND DECIDED

During the hearing, the Arbitrator allowed Respondent to file a post hearing submission. Claimant objected to the Respondent's submission. After review of the parties documents, the Arbitrator has rejected the "Valued Client" list as evidence. However, the Affidavit from Respondent and associated letter from John McDaniel are acceptable evidence, and admitted.

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, and the post-hearing submissions, the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

Respondent is liable for, and shall pay to the Claimant the sum of \$200.00 as satisfaction of its claim for compensatory damages. Further, interest is awarded thereon at the rate of eight percent (8%) per annum. Interest shall begin to accrue on December 1, 1999, and shall cease to accrue upon payment of the award.

Any and all relief not specifically addressed herein, is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Regulation, Inc. will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee = \$500.00

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. In this matter, the member firm is a party.

Member surcharge	= \$ 800.00
Pre-hearing process fee	= \$ 600.00
Hearing process fee	= \$1,000.00

Adjournment Fees

None.

Forum Fees and Assessments

The Arbitrator assesses forum fees for each hearing session conducted. A hearing session is any meeting between the parties and the arbitrator, including a pre-hearing conference with the arbitrator, that lasts four (4) hours or less.

Fees associated with these proceedings are:

One (1) Discovery Pre-hearing session with the arbitrator x \$300.00 = \$300.00
Pre-hearing conference: October 26, 1999 1 session

One (1) Scheduling Pre-hearing session with the arbitrator x \$300.00 = \$300.00
Pre-hearing conference(s): August 10, 1999 1 session

One (1) Hearing sessions x \$300.00 = \$300.00
Hearing Date(s): October 29, 1999 1 session

Total Forum Fees = \$900.00

1. The Arbitrator has assessed \$450.00 of the forum fees to the Claimant.
2. The Arbitrator has assessed \$450.00 of the forum fees to the Respondent.

Administrative Costs

None.

Fee Summary

1. Claimant, be and hereby is solely liable for:

Initial Filing Fee	= \$ 500.00
Member Fees	= \$ 2,400.00
Adjournment Fee	= \$ 0.00
Forum Fees	= \$ 450.00
Administrative Costs	= \$ 0.00
<hr/> Total Fees	= \$ 3,350.00
Less payments	= \$ 2,500.00
<hr/> Balance Due NASD Regulation, Inc.	= \$ 850.00

2. Respondent, be and hereby is solely liable for:

Forum Fees	= \$ 450.00
Administrative Costs	= \$ 0.00
<hr/> Total Fees	= \$ 450.00
Less payments	= \$ 0.00
<hr/> Balance Due NASD Regulation, Inc.	= \$ 450.00

Date of Service (For NASD office use only)