

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between:

Joseph E. Ridella and Linda Ridella v. OLDE Discount Corporation and Robert M. Dietrich

Case Number: 99-591

Hearing Site: Detroit, Michigan

REPRESENTATION OF PARTIES

Claimants, Joseph E. Ridella and Linda Ridella, hereinafter collectively referred to as "Claimants": Laurence S. Schultz, Esq., Troy, Michigan.

Respondents, OLDE Discount Corporation n/k/a H&R Block Financial Advisors, Inc. ("OLDE") and Robert Dietrich ("Dietrich"), hereinafter collectively referred to as "Respondents": Ronald P. Kane, Esq., Kane & Fischer, Ltd., Chicago, Illinois.

CASE INFORMATION

Statement of Claim filed on or about: February 8, 1999

Claimant, Joseph E. Ridella, signed the Uniform Submission Agreement: January 11, 1999

Claimant, Linda Ridella, signed the Uniform Submission Agreement: January 11, 1999

Statement of Answer, Affirmative Defenses and Motion to Strike filed by Respondents, on or about: May 20, 1999

Respondent, OLDE, signed the Uniform Submission Agreement: March 19, 1999, by Thomas P. Fitzgerald

Respondent, Dietrich, signed the Uniform Submission Agreement: May 12, 1999

CASE SUMMARY

Claimants asserted the following causes of action: breach of fiduciary duty; misrepresentation and deceptive devices; breach of contract; violation of NASD rules; respondeat superior. The causes of action relate to alleged churning in Claimants' account.

Unless specifically admitted in their Answer, Respondents denied the allegations made in the Statement of Claim and asserted affirmative defenses including the following: Claimants have failed to state a claim upon which relief may be granted; Claimants claims are barred by the statute of frauds; Claimants' claims are barred under the doctrines of laches, waiver, estoppel and ratification; OLDE's obligations to the Claimant have been fully paid, satisfied and discharged; Claimants assumed the risks of the transactions engaged in and the investment losses incurred; economic, industry, corporate and market conditions, and not OLDE were responsible for Claimants' losses, if any; and Claimants may not recover punitive or exemplary damages, as the recovery of such damages is not permitted under applicable state laws.

RELIEF REQUESTED

Claimants requested damages in excess of \$83,900.00, plus lost opportunity, plus refund of commissions, plus exemplary/ punitive damages (including damages for emotional distress and severe mental anguish), plus interest, costs, attorneys' fees, and such other relief as may be awarded.

Respondents OLDE and Dietrich requested dismissal and other unspecified relief.

OTHER ISSUES CONSIDERED AND DECIDED

After oral arguments at the beginning of the hearing on June 20, 2000, the Panel denied Respondents' Motion to Strike.

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.) Claimants' claims, each and all, are denied with prejudice;
- 2.) That other than Forum Fees which are specified below, the parties shall each bear their own costs and expenses incurred in this matter;
- 3.) That any relief not specifically enumerated, including punitive damages is hereby denied with prejudice.

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 = \$ 150.00

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 events giving rise to the dispute. In this matter, the member firm is a party.

Member surcharge	= \$1,000.00
Pre-hearing process fee	= \$ 600.00
Hearing process fee	= \$1,500.00

Adjournment Fees

Adjournments requested during these proceedings: N/A

Forum Fees and Assessments

The Panel assesses forum fees for each hearing session conducted. A hearing session is any meeting between the parties and the arbitrators, including a pre-hearing conference with the arbitrator(s), that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with Panel x \$300.00	= \$ 300.00
Pre-hearing conference(s): Date	1 session

Ten (10) Hearing sessions x \$500.00	= \$5,000.00
Hearing Dates:	
June 20, 2000	2 sessions
June 21, 2000	2 sessions
June 22, 2000	2 sessions
October 23, 2000	2 sessions
October 26, 2000	2 sessions

Total Forum Fees	= \$5,300.00
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The Panel has assessed \$2,650.00 of the forum fees jointly and severally to Claimants, Joseph E. Ridella and Linda Ridella.

The Panel has assessed \$2,650.00 of the forum fees jointly and severally to Respondents, OLDE Discount Corp. and Robert Dietrich.

Fee Summary

Claimants, Joseph E. Ridella and Linda Ridella, be and hereby are jointly and severally liable for:

Initial Filing Fee	= \$ 150.00
Forum Fees	= \$ 2,650.00
Total Fees	= \$ 2,800.00
Less payments	= \$ 650.00
Balance Due NASD Dispute Resolution, Inc.	= \$ 2,150.00

Respondents, OLDE Discount Corp. and Robert Dietrich, be and hereby are jointly and severally liable for:

Forum Fees	= \$ 2,650.00
Total Fees	= \$ 2,650.00
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution, Inc.	= \$ 2,650.00

Respondent, OLDE Discount Corporation, be and hereby is solely liable for:

<u>Member Fees</u>	= \$ 3,100.00
<u>Total Fees</u>	= \$ 3,100.00
<u>Less payments</u>	= \$ 3,100.00
Balance Due NASD Dispute Resolution, Inc.	= \$ 0.00

All balances are due to NASD Dispute Resolution, Inc.

Concurring Arbitrators' Signatures

/s/ Barry Goldman, Esq.
Barry Goldman, Esq.
Public Arbitrator, Presiding Chair

11/01/00
Signature Date

/s/ Walter H. Clements, Esq.
Walter H. Clements, Esq.
Public Arbitrator

10/30/00
Signature Date

/s/ Mary P. Mada
Mary P. Mada
Industry Arbitrator

10/30/00
Signature Date

11/01/00
Date of Service (For NASD office use only)

NASD Dispute Resolution, Inc.
Arbitration
Award

Respondent, OLDE Discount Corporation, be and hereby is solely liable for:

Member Fees	\$ 3,100.00
Total Fees	\$ 3,100.00
Less Payments	\$ 3,100.00
Balance Due NASD Dispute Resolution, Inc.	\$ 0.00

All balances are due to NASD Dispute Resolution, Inc.

Consent of Arbitrators' Signatures



Barry Goldman, Esq.
Public Arbitrator, Presiding Chair

11/1/00
Signature Date

Walter H. Clements, Esq.
Public Arbitrator

Signature Date

Mary P. Wada
Industry Arbitrator

Signature Date

Date of Service (For NASD office use only)

NASD Dispute Resolution, Inc.
Arbitration # 99-591
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Respondent, OLDE Discount Corporation, be and hereby is solely liable for:

<u>Member Fees</u>	= \$ 3,100.00
<u>Total Fees</u>	= \$ 3,100.00
<u>Less payments</u>	= \$ 3,100.00
Balance Due NASD Dispute Resolution, Inc.	= \$ 0.00

All balances are due to NASD Dispute Resolution, Inc.

Concurring Arbitrators' Signatures

Barry Goldman, Esq.
Public Arbitrator, Presiding Chair


Walter H. Clements, Esq.
Public Arbitrator

Signature Date

10-30-2000
Signature Date

Mary P. Mada
Industry Arbitrator

Signature Date

Date of Service (For NASD office use only)

NASD Dispute Resolution, Inc.
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Respondent, OLDE Discount Corporation, be and hereby is solely liable for:

Member Fees	= \$ 3,100.00
Total Fees	= \$ 3,100.00
Less payments	= \$ 3,100.00
Balance Due NASD Dispute Resolution, Inc.	= \$ 0.00

All balances are due to NASD Dispute Resolution, Inc.

Concurring Arbitrators' Signatures

Barry Goldman, Esq.
 Public Arbitrator, Presiding Chair

Signature Date

Walter H. Clements, Esq.
 Public Arbitrator

Signature Date

Mary P. Mada
 Mary P. Mada
 Industry Arbitrator

10-30-00
 Signature Date

Date of Service (For NASD office use only)