

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between:
Olde Discount Corporation, Claimant v. Jerry L. St. John, Respondent

Case Number: 99-00914

Hearing Site: San Diego, California

REPRESENTATION OF PARTIES

For Claimant:

Michael P. Knittel, Esq.
Olde Discount Corporation
Detroit, Michigan

For Respondent:

Jerry L. St. John
In Pro Per
Encinitas, California

CASE INFORMATION

Statement of Claim filed: February 26, 1999

Claimant's Uniform Submission Agreement signed: February 26, 1999

Statement of Answer filed by Respondent Jerry L. St. John: May 16, 1999

CASE SUMMARY

Claimant alleged a failure to repay an overpayment erroneously issued by the Claimant.

Respondent denied the allegations of wrongdoing set forth in the Claimant's Statement of Claim.

RELIEF REQUESTED

Claimant requested \$8,086.50 in compensatory damages, \$4,809.49 in interest, and \$725.00 for reimbursement of filing fees. Claimant also sought reimbursement for attorney's fees.

Respondent requested dismissal of the Claimant's Statement of Claim in its entirety.

OTHER ISSUES CONSIDERED AND DECIDED

On August 27, 2001, the Arbitration Chairperson granted Claimant's request for the case to be decided solely upon the pleadings without a formal hearing.

Respondent Jerry L. St. John did not file with the NASD Dispute Resolution, Inc. a properly executed submission agreement but is required to submit to arbitration pursuant to the Code is bound by the determination of the Arbitrator on all issues submitted.

The parties participating in the case agreed that a handwritten, signed Award may be entered.

AWARD

After considering the pleadings, the Arbitrator decided in full and final resolution of the issues submitted for determination as follows:

- 1) Respondent is liable to and shall pay Claimant \$8,086.50 in compensatory damages.
- 2) The parties shall bear their respective costs, including attorney's fees.
- 3) All other relief requested and not expressly granted is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution, Inc. received or will collect the non-refundable filing fees for each claim as follows:

Initial claim filing fee	= \$ 500.00
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Member Fees

Member fees are assessed to each member firm that is either a party in the matter or an employer of a respondent associated person at the time of the events which gave rise to the dispute, claim, or controversy. Accordingly, the member firm Olde Discount Corporation is a party and the following fees are assessed:

Member Surcharge	= \$ 300.00
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Forum Fees and Assessments

The Arbitrator assessed a forum fee for each pre-hearing conference or hearing session conducted. A pre-hearing conference and hearing session is any meeting between the parties and the Arbitrator. The following fees are assessed:

2 Pre-hearing conference sessions with the Arbitrator @ \$ 300.00/session = \$ 600.00

Pre-hearing conferences: October 18, 2000 1 session

 August 27, 2001 1 session

Fee for Ruling on Papers: = \$ 75.00

Total Forum Fees = \$ 675.00

The Arbitrator assessed \$ 675.00 of the forum fees to Claimant Olde Discount Corporation.

Fee Summary

Claimant Olde Discount Corporation is charged with the following fees and costs:

Member Fees	= \$ 300.00
Initial Filing Fee	= \$ 500.00
<u>Forum Fees</u>	<u>= \$ 675.00</u>
Total Fees	= \$ 1,475.00
<u>Less payments</u>	<u>= \$(1,200.00)</u>
Balance Due NASD Regulation, Inc.	= \$ 275.00

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

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ARBITRATOR

William L. Merkin, Esq.

Public Arbitrator, Presiding Chair

Arbitrator's Signature


William L. Merkin, Esq.
Chair, Public Arbitrator

9/21/01
Signature Date

9/21/01
Date of Service