

Award
NASD Regulation, Inc.

In the Matter of the Arbitration Between:

Wesley A. Smith ("Claimant") vs. LeRoy C. Kopp ("Respondent")

Case Number: 99-01949

Hearing Site: Chicago, Illinois

REPRESENTATION OF PARTIES

Claimant Wesley A. Smith ("Smith"): Thomas M. Knepper, Esq., Knepper & Gladney, Chicago, Illinois.

Respondent LeRoy C. Kopp ("Kopp"): Steven Phillips, Esq., Fruth & Anthony, Minneapolis, Minnesota.

CASE INFORMATION

Statement of Claim filed on or about: April 27, 1999

Statement of Answer filed by Respondent Kopp on or about: October 06, 1999
Respondent Kopp signed the Uniform Submission Agreement: December 16, 1999

CASE SUMMARY

Claimant asserted the following causes of action: breach of fiduciary duty.

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

RELIEF REQUESTED

Claimant requested:

Compensatory Damages	\$1,611,095.03
Punitive Damages	\$1,611,095.03
Interest	unspecified
Attorneys' Fees	unspecified

OTHER ISSUES CONSIDERED AND DECIDED

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 Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Any and all relief requested by Claimant Wesley Smith, including punitive damages, is denied.
2. Each party to bear own attorneys fees

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	=
\$600.00	

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 event giving rise to the dispute. In this matter, the member firm is Respondent's firm.

Member surcharge	= \$2,500.00
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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 arbitrators, that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with Panel x \$1,200.00	= \$ 1,200.00
Pre-hearing conference: December 14, 2000	1 session

Ten (10) Hearing sessions x \$1,200.00	= \$12,000.00
Hearing Dates: May 01, 2000	2 sessions
May 02, 2000	2 sessions

May 03, 2000	1 session
May 04, 2000	3 sessions
May 05, 2000	2 sessions
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Total Forum Fees	= \$13,200.00

1. The Panel has assessed \$6,600.00 of the forum fees to Claimant Smith.
2. The Panel has assessed \$6,600.00 of the forum fees to Respondent Kopp.

Administrative Costs

Administrative costs are expenses incurred due to a request by a party for special services including, but not limited to, additional copies of arbitrator awards beyond those provided without charge, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

1. Centennial Lakes Capital, Inc., \$234.00.

Fee Summary

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

Initial Filing Fee	= \$ 600.00
<u>Forum Fees</u>	<u>= \$6,600.00</u>
Total Fees	= \$7,200.00
<u>Less payments</u>	<u>= \$1,800.00</u>
Balance Due NASD Regulation, Inc.	= \$5,400.00
2. Respondent Kopp shall be and hereby is solely liable for:

<u>Forum Fees</u>	<u>= \$6,600.00</u>
Total Fees	= \$ 0.00
<u>Less payments</u>	<u>= \$ 0.00</u>
Balance Due NASD Regulation, Inc.	= \$6,600.00
3. Respondents Centennial shall be and hereby are jointly and severally liable for:

Member Surcharge	= \$2,500.00
<u>Administrative Fee</u>	<u>= \$ 234.00</u>
Total Fees	= \$2,734.00
<u>Less Payments</u>	<u>= \$7,600.00</u>
Balance Due NASD Regulation, Inc.	= \$(4,866.00)

All balances are due to NASD Regulation, Inc.

Concurring Arbitrators' Signatures

Howard A. Buchler, Esq.
Public Arbitrator, Presiding Chair

Signature Date

Judd A. Sackheim
Public Arbitrator

Signature Date

Bruce J. Simpson
Industry Arbitrator

Signature Date

Date of Service (For NASD office use only)

NASD Regulation, Inc. Office of Dispute Resolution
Arbitration No. 99-01949
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Concurring Arbitrators' Signatures



Howard A. Buchler, Esq.
Public Arbitrator, Presiding Chair
12003221/1223, 1222

6/30/00

Signature Date

Judd A. Sackheim
Public Arbitrator

Signature Date

Bruce J. Simpson
Industry Arbitrator

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Award Page 4 of 4

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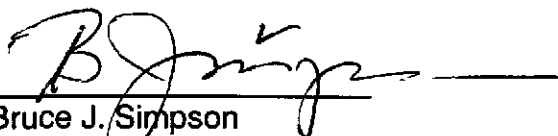
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Public Arbitrator, Presiding Chair

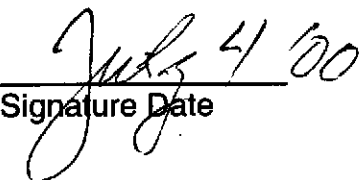
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