

**Award**  
**NASD Regulation, Inc.**

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In the Matter of the Arbitration Between:  
Rex A. Fletcher, Claimant vs. Olde Discount Corporation, Respondent.

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Case Number: 99-02232 Hearing Site: Milwaukee, Wisconsin

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**REPRESENTATION OF PARTIES**

Claimant, Rex A. Fletcher ("Fletcher"), hereinafter referred to as "Claimant", was represented by Michael R. Fitzpatrick, Esquire, of Brennan, Steil, Basting & MacDougall, S.C., Milwaukee, Wisconsin.

Respondent, Olde Discount Corporation ("Olde Discount"), hereinafter referred to as "Respondent", was represented by Bruce Lewitas, Esquire, Attorney at Law, Chicago, Illinois.

**CASE INFORMATION**

Statement of Claim filed on or about: May 14, 1999

Claimant, Rex A. Fletcher, signed the Uniform Submission Agreement: April 26, 1999

Statement of Answer filed by Respondent, Olde Discount Corporation, on or about: July 9, 1999

Thomas P. Fitzgerald, Senior Vice President and General Counsel for Respondent, Olde Discount Corporation, signed the Uniform Submission Agreement: July 9, 1999

**CASE SUMMARY**

Claimant asserted the following causes of action: negligence and breach of contract with regard to the purchase of Siebert stock.

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim and asserted the following affirmative defenses: failure to state claim on which relief can be granted and assumption of the risk.

**RELIEF REQUESTED**

Claimant requested:

Compensatory Damages	\$ 107,593.20
Interest	\$ unspecified
Attorney's Fees	\$ unspecified
Other Costs	\$ unspecified

Respondent requested that all claims be dismissed with prejudice.

### **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 (if any), the Panel has unanimously decided in full and final resolution of the issues submitted for determination as follows:

**The Panel finds in favor of Claimant, Rex A. Fletcher, and awards \$40,000.00 in compensatory damages. Additionally, the Panel awards interest at the rate of 5% annually, accruing from the date of service of this Award until paid.**

Any and all other claims against Respondent in this matter are dismissed 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 = \$300

#### **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 Olde Discount Corporation.

Member surcharge = \$1,500

#### **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 Panel, including a pre-hearing conference with the Panel, that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with full Panel x \$1,125 = \$1,125  
Pre-hearing conference: October 26, 1999 1 session

Six (6) Hearing sessions x \$1,125		= \$6,750
Hearing Dates:	May 10, 2000	2 sessions
	May 11, 2000	2 sessions
	June 27, 2000	2 sessions
Total Forum Fees		= \$7,875

The Panel has assessed one half of the forum fees to Claimant (\$3,937.50), and one half of the forum fees to Respondent (\$3,937.50).

### Fee Summary

1. Respondent, Olde Discount Corporation, be and hereby is solely liable for:

Member Fees	= \$1,500.00
Pre-Hearing Processing Fees	= \$ 600.00
Hearing Processing Fees	= \$2,500.00
Forum Fees	= \$3,937.50
Total Fees	= \$8,537.50
Less payments	= \$4,600.00
Balance Due NASD Regulation, Inc.	= \$3,937.50

2. Claimant, Rex A. Fletcher, be and hereby is solely liable for:

Filing Fees	= \$ 300.00
Forum Fees	= \$3,937.50
Total Fees	= \$4,237.50
Less Payments	= \$1,495.00
Balance Due NASD Regulation, Inc.	= \$2,742.50

All balances are due to NASD Regulation, Inc.

### Arbitrators' Signatures

Thomas F. Mahoney  
Thomas F. Mahoney, Esq.,  
Public Arbitrator and Chairperson

18 July 2000  
Signature Date

Kathleen T. SuSong,  
Industry Arbitrator

Signature Date

William B. Ross,  
Public Arbitrator

Signature Date

Date of Service (For NASD office use only)

Fletcher vs. Olde Discount Corporation  
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Pre-Hearing Processing Fees	= \$ 600.00
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Thomas F. Mahoney, Esq.,  
 Public Arbitrator and Chairperson

  
 Kathleen T. SuSong,  
 Industry Arbitrator

Signature Date

7/21/00  
 Signature Date

William B. Ross,  
 Public Arbitrator

Signature Date

Date of Service (For NASD office use only)

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Balance Due NASD Regulation, Inc. = \$2,742.50

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Thomas F. Mahoney, Esq.,  
Public Arbitrator and Chairperson

Signature Date

Kathleen T. SuSong,  
Industry Arbitrator

Signature Date

*William B. Ross*

William B. Ross,  
Public Arbitrator

*7/20/2000*

Signature Date

Date of Service (For NASD office use only)