

**NASD DISPUTE RESOLUTION AWARD**

**NASD DISPUTE RESOLUTION, INC.**

CASE: 99-02496

Olde Discount Corporation, claimant vs. Kevin F. Smith, M.D., respondent.

**ATTORNEYS:**

For claimant Olde Discount Corporation, appeared in-house counsel, Michael P. Knittel, Esq., Detroit, MI.

For respondent, Kevin F. Smith, M.D., appeared G. Michael Smith, Esq., of the firm, Dean, Smith & Therrell, P.A., Atlanta, GA.

**DATE FILED:** June 1, 1999

**CASE SUMMARY:** Claimant alleged that Respondent incurred a debit balance in his margin account and failed to make payment. In his counterclaim, respondent alleged that claimant caused him to lose his stock ownership in Concentra Managed Care through negligent notification of margin calls.

**Claim Data**

Claim: \$7,549.44

Interest: \$451.78 and accruing

Atty Fees: Unspecified

Filing Fees: \$775.00

**Award Data**

Award: \$7,549.44

Interest: At the rate of 8.75% per annum from 9/14/98 to date of award (\$1.81 per day)

Atty Fees: \$.00

Filing Fees: \$750.00

**Counterclaim Data**

Claim: Replace Concentra Managed Care stock

Costs: unspecified

Atty Fees: unspecified

Other: unspecified

**Counterclaim Award Data**

Award: Denied

Costs: \$.00

Atty Fees: \$.00

Other: \$.00

**AWARD:** The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) Respondent is liable and shall pay to the claimant \$7,549.44. 2) Respondent is liable and shall pay to the Claimant interest at the rate of 8.75% per annum from 9/14/98 to date of award (\$1.81 per day). 3) Respondent's counterclaim is denied in its entirety. 4) All requests for attorney fees are denied. 5) All other relief requests are denied. 6) The \$750.00 filing fee previously deposited with the NASD Resolution, Inc. by the Claimant, shall be retained by NASD Dispute Resolution, Inc. 7) Respondent is liable and shall pay Claimant \$750.00 as reimbursement of the filing fee. 8) Respondent's \$1,250.00 counterclaim filing fee has been waived.

**OTHER FEES:** Pursuant to Rule 10333 of the Code, Claimant has paid to NASD Regulation, Inc. the \$300.00 Member Surcharge previously invoiced.

**OTHER ISSUES:** 1) The Arbitrator denied Claimant's Motion to preclude Respondent's answer. 2) The arbitrator denied respondent's request to present oral argument and live or deposition testimony.

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**AFFIRMATION**

I, Chandler Bridges, do hereby affirm, upon my oath as arbitrator that I am the individual described herein who executed this instrument, which is my oath and award.

Chandler Bridges  
Chandler Bridges

August 24, 2000  
Date of award