

**Stipulated Award**  
**NASD Dispute Resolution, Inc.**

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In the Matter of the Arbitration Between

**Names of Claimants**

Robert H. Mobley, III  
Lindsay Mobley Williams

Case No. 00-00522

**Names of Respondents**

Salomon Smith Barney, Inc.  
The Robinson-Humphrey Company, LLC  
Paul Dennis Way

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**REPRESENTATION OF PARTIES**

For Robert H. Mobley, III and Lindsay Mobley Williams, hereinafter collectively referred to as "Claimants": T. English McCutchen, III, Esq. of the law firm of McCutchen, Blanton, Rhodes & Johnson, LLP, Columbia, South Carolina.

For Salomon Smith Barney, Inc. ("Smith Barney"), The Robinson-Humphrey Company, LLC ("Robinson-Humphrey") and Paul Dennis Way ("Way"), hereinafter collectively referred to as "Respondents": Paul W. Stivers, Esq. and Jonathan B. Butler, Esq. of the law firm of Rogers & Hardin, LLP, Atlanta, Georgia.

**CASE INFORMATION**

Statement of Claim filed on or about: February 7, 2000.

Claimant Robert H. Mobley, III signed the Uniform Submission Agreement on: January 14, 2000.

Claimant Lindsay Mobley Williams signed the Uniform Submission Agreement on: January 17, 2000.

Statement of Answer filed by Respondents on or about: April 13, 2000.

Respondent Smith Barney signed the Uniform Submission Agreement on: March 20, 2000.

Respondent Robinson-Humphrey signed the Uniform Submission Agreement on: September 15, 2000.

Respondent Way signed the Uniform Submission Agreement on: March 2, 2000.

**CASE SUMMARY**

Claimants alleged that Respondents sold certain securities owned by the estate of Claimants' grandmother without proper authorization. Claimants alleged that they are beneficiaries of their grandmother's estate, and that they suffered damages as a result of the Respondents'

alleged unauthorized sale of the securities.

Respondents denied that they acted without authorization in connection with the sale of the securities. Respondents contended that the co-representative of the estate provided Respondents with written authorization to sell the securities and that Respondents reasonably relied upon the co-representative's representation of authority. Respondents further contended that they did not maintain any accounts with Claimants or their grandmother's estate, and therefore owed no duties to Claimants or the estate.

### **RELIEF REQUESTED**

Claimants requested compensatory damages in excess of \$300,000.00.

Respondents requested that all claims asserted by Claimants be dismissed in their entirety.

### **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.

On or about August 7, 2000, the parties filed with NASD Dispute Resolution, Inc. a Stipulation of Dismissal of Respondent which dismissed Respondent Way as a Respondent in this case and requested that the undersigned arbitrators (the "Panel") enter an order expunging all references to this case from the NASD Central Registration Depository ("CRD") records of Respondent Way.

On or about August 16, 2000, the parties informed NASD Dispute Resolution, Inc. that they had entered into a settlement agreement.

### **AWARD**

After considering the pleadings and the Stipulation of Dismissal, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. All claims against Respondents Smith Barney, Robinson-Humphrey and Way are hereby dismissed.
2. The Panel recommends the expungement of all references to the above-captioned arbitration from Respondent Way's registration records maintained by the CRD, with the understanding that pursuant to NASD Notice to Members 99-09, Respondent Way must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directives.
3. All parties shall bear their respective costs, including attorneys' fees.

### **FEES**

Pursuant to the Code, the following fees are assessed:

#### **Filing Fees**

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

Initial claim filing fee	= \$300.00
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#### **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 firms are parties.

Member surcharge	= \$1,500.00
Pre-hearing process fee	= \$ 600.00
Hearing process fee	= \$2,500.00

#### **Adjournment Fees**

Adjournments requested during these proceedings:

No adjournments were requested during these proceedings.

#### **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 arbitrator(s), 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 \$1,125.00	= \$1,125.00
Pre-hearing conference: August 4, 2000 1 session	

Total Forum Fees	= \$1,125.00
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The Panel has assessed forum fees of \$562.50 jointly and severally to Claimants.

The Panel has assessed forum fees of \$562.50 jointly and severally to Respondents.

#### **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.

No administrative costs were incurred during these proceedings.

Fee Summary

Claimants be and hereby are jointly and severally liable for:

Initial Filing Fee	= \$300.00
Forum Fees	= \$562.50
Total Fees	= \$862.50
<u>Less payments</u>	<u>= \$862.50</u>
Balance Due NASD Dispute Resolution, Inc.	= \$0.00

Respondent Smith Barney be and hereby is liable for:

Member Fees	= \$4,600.00
Total Fees	= \$4,600.00
<u>Less payments</u>	<u>= \$4,600.00</u>
Balance Due NASD Dispute Resolution, Inc.	= \$0.00

Respondent Robinson-Humphrey be and hereby is liable for:

Member Fees	= \$4,600.00
Total Fees	= \$4,600.00
<u>Less payments</u>	<u>= \$ 0.00</u>
Balance Due NASD Dispute Resolution, Inc.	= \$4,600.00

Respondents be and hereby are jointly and severally liable for:

Forum Fees	= \$ 562.50
Total Fees	= \$ 562.50
<u>Less payments</u>	<u>= \$ 0.00</u>
Balance Due NASD Dispute Resolution, Inc.	= \$562.50

All balances are due and payable to NASD Dispute Resolution, Inc.

Concurring Arbitrators' Signatures

/s/  
Robert Shiffra, Esq.  
Industry Arbitrator, Presiding Chair

\_\_\_\_\_  
Signature Date

/s/  
Simone Sicola  
Public Arbitrator

\_\_\_\_\_  
Signature Date

NASD Dispute Resolution, Inc.

Arbitration No. 00-00522

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/s/

John A. Baynes, III

Public Arbitrator

\_\_\_\_\_  
Signature Date

September 26, 2000

Date of Service (For NASD-DR office use only)

**Fee Summary**

Claimants be and hereby are jointly and severally liable for:

Initial Filing Fee	= \$300.00
Forum Fees	= \$562.50
Total Fees	= \$862.50
<u>Less payments</u>	<u>= \$862.50</u>
Balance Due NASD Dispute Resolution, Inc.	= \$0.00

Respondent Smith Barney be and hereby is liable for:

Member Fees	= \$4,600.00
Total Fees	= \$4,600.00
<u>Less payments</u>	<u>= \$4,600.00</u>
Balance Due NASD Dispute Resolution, Inc.	= \$0.00

Respondent Robinson-Humphrey be and hereby is liable for:

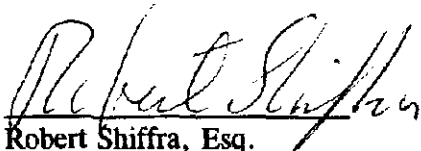
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Total Fees	= \$4,600.00
<u>Less payments</u>	<u>= \$ 0.00</u>
Balance Due NASD Dispute Resolution, Inc.	= \$4,600.00

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Forum Fees	= \$ 562.50
Total Fees	= \$ 562.50
<u>Less payments</u>	<u>= \$ 0.00</u>
Balance Due NASD Dispute Resolution, Inc.	= \$562.50

All balances are due and payable to NASD Dispute Resolution, Inc.

**Concurring Arbitrators' Signatures**

  
Robert Shiffra, Esq.

Industry Arbitrator, Presiding Chair

9.22-00  
Signature Date

\_\_\_\_\_  
Simone Sicola  
Public Arbitrator

\_\_\_\_\_  
Signature Date

**Fee Summary**

Claimants be and hereby are jointly and severally liable for:

Initial Filing Fee	= \$300.00
Forum Fees	= \$562.50
Total Fees	= \$862.50
<u>Less payments</u>	<u>= \$862.50</u>
Balance Due NASD Dispute Resolution, Inc.	= \$0.00

Respondent Smith Barney be and hereby is liable for:

Member Fees	= \$4,600.00
Total Fees	= \$4,600.00
<u>Less payments</u>	<u>= \$4,600.00</u>
Balance Due NASD Dispute Resolution, Inc.	= \$0.00

Respondent Robinson-Humphrey be and hereby is liable for:

Member Fees	= \$4,600.00
Total Fees	= \$4,600.00
<u>Less payments</u>	<u>= \$ 0.00</u>
Balance Due NASD Dispute Resolution, Inc.	= \$4,600.00

Respondents be and hereby are jointly and severally liable for:

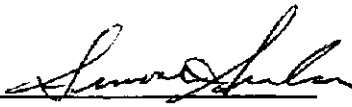
Forum Fees	= \$ 562.50
Total Fees	= \$ 562.50
<u>Less payments</u>	<u>= \$ 0.00</u>
Balance Due NASD Dispute Resolution, Inc.	= \$562.50

All balances are due and payable to NASD Dispute Resolution, Inc.

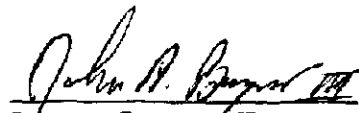
**Concurring Arbitrators' Signatures**

\_\_\_\_\_  
Robert Shiffra, Esq.  
Industry Arbitrator, Presiding Chair

\_\_\_\_\_  
Signature Date

  
\_\_\_\_\_  
Simone Sicola  
Public Arbitrator

9/22/00  
\_\_\_\_\_  
Signature Date

  
John A. Baynes, III  
Public Arbitrator

9/21/00  
Signature Date

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Date of Service (For NASD-DR office use only)