
Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between:

James Hughes and Joseph E. Lenahan, III, Claimants, vs. J.C. Bradford & Company,
Respondent.

Case Number: 00-03726

Hearing Site: Louisville, Kentucky

REPRESENTATION OF PARTIES

Claimants, James Hughes ("Hughes") and Joseph E. Lenahan, III ("Lenahan"), hereinafter collectively referred to as "Claimants," appeared *pro se*.

Respondent J. C. Bradford & Company ("Bradford") was represented by Austin Carter, Esquire, Mitchell S. Allen, Esquire, and Ken Menendez, Esquire, of Epstein Becker & Green, P.C., Atlanta, Georgia, and by Joshua Scribner, Esquire, In-house Counsel for Bradford.

CASE INFORMATION

The Statement of Claim was filed on or about August 25, 2000.
Claimants Hughes and Lenahan each signed the Uniform Submission Agreement on August 21, 2000.

Respondent filed its Statement of Answer on or about November 21, 2000.
Austin E. Carter, counsel for Respondent, signed the Uniform Submission Agreement on Respondent's behalf on November 20, 2000.

CASE SUMMARY

Claimants alleged the following cause of action against Respondent: breach of employment contract with respect to employee compensation.

Unless specifically admitted in its Statement of Answer, Respondent denied the allegations set forth in the Statement of Claim and asserted the following defenses: failure to state a claim upon which relief can be granted, estoppel and the absence or failure of consideration.

RELIEF REQUESTED

Claimants requested:

Compensatory Damages	\$388,732.00
Punitive Damages	\$360,000.00
Costs	unspecified

Respondent requested that the Statement of Claim be dismissed in its entirety and that it be awarded costs and attorneys' fees.

OTHER ISSUES CONSIDERED AND DECIDED

Respondent filed a Motion for Summary Judgment on or about May 30, 2001. Claimants filed a Response in opposition to Respondent's Motion for Summary Judgment on or about June 8, 2001. The Motion was denied by the undersigned Panel at the hearing.

Respondent filed a Motion for Directed Verdict at the hearing. The undersigned Panel denied the Motion.

All claims for 401K monies were settled at the hearing by the parties and were dismissed with prejudice.

AWARD

After considering the pleadings, the testimony and evidence presented at the hearing, the undersigned Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondent J. C. Bradford & Company be and hereby is solely liable for and shall pay to Claimant James Hughes the sum of \$2,800.00 (Two Thousand Eight Hundred Dollars and No Cents) in Compensatory Damages.
2. All relief requested against Respondent J.C. Bradford & Company by Claimant Joseph E. Lenahan, III, is hereby denied.
3. Except as otherwise specified herein, each party shall bear its own costs and attorneys' fees.
4. Any and all relief not specifically addressed herein, including punitive damages, is denied.

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 = \$ 375.00

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 events giving rise to the dispute. In this matter, the member firm is Respondent J.C. Bradford & Company:

Member surcharge = \$2,000.00
Pre-hearing Process Fee = \$ 600.00
Hearing Process Fee = \$3,500.00

Forum Fees and Assessments

The arbitrator has the authority to assess 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 \$1,200 = \$1,200.00

Pre-hearing conference: April 5, 2001 1 session

Four (4) Hearing sessions x \$1,200 = \$4,800.00

Hearing Dates: June 26, 2001 2 sessions
June 27, 2001 2 sessions

Total Forum Fees = \$6,000.00

The Panel has assessed the forum fees between the Claimants and the Respondent as follows:

1. Claimants James Hughes and Joseph E. Lenahan, III, be and hereby are jointly and severally liable for \$3,000.00 of the Forum Fees incurred in this arbitration.
2. Respondent J. C. Bradford & Company be and hereby is solely liable for \$3,000.00 of the Forum Fees incurred in this arbitration.

08/20/01 MON 11:54 FAX

NASD REGULATION

001

NASD-DR Award
 Arbitration # 00-03726
 Page 4 of 4

Fee Summary

1. Claimants James Hughes and Joseph E. Lenahan, III, be and hereby are jointly and severally liable for:

Forum Fees	= \$3,000.00
Claim Filing Fee	= \$ 375.00
Total Fees	= \$3,375.00
Less payments	= \$1,575.00
Balance Due NASD Dispute Resolution, Inc.	= \$1,800.00

2. Respondent J. C. Bradford & Company be and hereby is solely liable for:

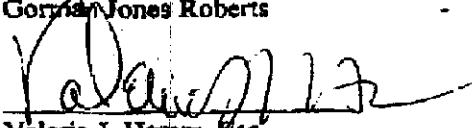
Forum Fees	= \$3,000.00
Member Fees	= \$6,100.00
Total Fees	= \$9,100.00
Less payments	= \$2,600.00
Balance Due NASD Dispute Resolution, Inc.	= \$6,500.00

All balances are due to NASD Dispute Resolution, Inc.

ARBITRATION PANEL

Valerie J. Hamm, Esq.
 John P. McShane
 Gorman Jones Roberts

Public, Presiding Chair
 Public Arbitrator
 Non-Public Arbitrator


 Valerie J. Hamm, Esq.
 Public Arbitrator, Presiding Chair

9/21/01
 Signature Date

 John P. McShane
 Public Arbitrator, Panelist

 Signature Date

 Gorman Jones Roberts
 Non-Public Arbitrator, Panelist

 Signature Date

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

NASD-DR Award
Arbitration # 00-03726
Page 4 of 4

Fee Summary

1. Claimants James Hughes and Joseph E. Lenahan, III, be and hereby are jointly and severally liable for:

Forum Fees	= \$3,000.00
<u>Claim Filing Fee</u>	= \$ 375.00
Total Fees	= \$3,375.00
<u>Less payments</u>	= \$1,575.00
Balance Due NASD Dispute Resolution, Inc.	= \$1,800.00

2. Respondent J. C. Bradford & Company be and hereby is solely liable for:

Forum Fees	= \$3,000.00
<u>Member Fees</u>	= \$6,100.00
Total Fees	= \$9,100.00
<u>Less payments</u>	= \$2,600.00
Balance Due NASD Dispute Resolution, Inc.	= \$6,500.00

All balances are due to NASD Dispute Resolution, Inc.

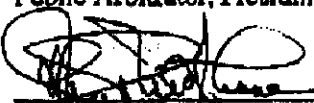
ARBITRATION PANEL

Valerie J. Hamm, Esq.
John P. McShane
Gorman Jones Roberts

Public, Presiding Chair
Public Arbitrator
Non-Public Arbitrator

Valerie J. Hamm, Esq.
Public Arbitrator, Presiding Chair

Signature Date


John P. McShane
Public Arbitrator, Panelist

8-17-01
Signature Date

Gorman Jones Roberts
Non-Public Arbitrator, Panelist

Signature Date

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

NASD-DR Award
Arbitration # 00-03726
Page 4 of 4

Fee Summary

1. Claimants James Hughes and Joseph E. Lenahan, III, be and hereby are jointly and severally liable for:

Forum Fees	= \$3,000.00
<u>Claim Filing Fee</u>	= \$ 375.00
Total Fees	= \$3,375.00
<u>Less payments</u>	= \$1,575.00
Balance Due NASD Dispute Resolution, Inc.	= \$1,800.00

2. Respondent J. C. Bradford & Company be and hereby is solely liable for:

Forum Fees	= \$3,000.00
<u>Member Fees</u>	= \$6,100.00
Total Fees	= \$9,100.00
<u>Less payments</u>	= \$2,600.00
Balance Due NASD Dispute Resolution, Inc.	= \$6,500.00

All balances are due to NASD Dispute Resolution, Inc.

ARBITRATION PANEL

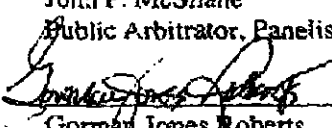
Valerie J. Hamm, Esq.	-	Public, Presiding Chair
John P. McShane	-	Public Arbitrator
Gorman Jones Roberts	-	Non-Public Arbitrator

Valerie J. Hamm, Esq.
Public Arbitrator, Presiding Chair

Signature Date

John P. McShane
Public Arbitrator, Panelist

Signature Date



Gorman Jones Roberts
Non-Public Arbitrator, Panelist



Signature Date

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