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

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In the Matter of the Arbitration Between: M. Jackie Carter v. A.G. Edwards & Sons, Inc.

Case Number: 00-03801

Hearing Site: Denver, Colorado

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REPRESENTATION OF PARTIES

Claimant, M. Jackie Carter ("Claimant"): Jeffrey J. Scott, Esq., Scott & Associates, P.C., Denver, CO.

Respondent, A.G. Edwards & Sons, Inc. ("Respondent"): Mike Naccarato, Esq., A.G. Edwards & Sons, Inc., St. Louis, MO.

CASE INFORMATION

Statement of Claim filed on or about: August 31, 2000.

Statement of Amended Answer: September 7, 2000.

Claimant, M. Jackie Carter, signed the Uniform Submission Agreement: August 29, 2000.

Statement of Answer filed by Respondent, A.G. Edwards & Sons, Inc., on or about: November 6, 2000.

Respondent, A.G. Edwards & Sons, Inc., signed the Uniform Submission Agreement: September 25, 2000.

### CASE SUMMARY

Claimant asserted the following causes of action: Respondeat Superior; negligent misrepresentation; breach of contract; omission of fact; and failure to execute. The causes of action relate to purchases and sales of securities including TVA 8.625% Power Bonds, in Claimant's account.

Unless specifically admitted in its Answer, Respondent A.G. Edwards & Sons, Inc. denied the allegations made in the Statement of Claim and asserted the following defenses: Failure of Claimant to timely object to the transactions is deemed to be a ratification, waiver and estoppel of Claimants right to recover; all of the transactions account were executed with the express authorization of Claimant; Claimant's failure to mitigate her damages bars her from recovery in this action; and Claimants cause of action fails to state a claim for which relief may be granted.

### RELIEF REQUESTED

Claimant M. Jackie Carter requested:

Compensatory Damages	unspecified
Punitive Damages	unspecified
Interest	unspecified
Attorneys' Fees	unspecified
Other Costs	unspecified
Other Monetary/Non-Monetary Relief:	unspecified

Respondent A.G. Edwards & Sons, Inc. requested:

Other Monetary/Non-Monetary Relief:	unspecified
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### AWARD

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

1. That any and all requests for relief are hereby denied and dismissed in their entirety; and
2. That 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	= \$250
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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 that employed the associated person at the time of the events giving rise to the dispute. In this matter, the member firm is a party.

Member surcharge	= \$1,200
Pre-hearing process fee	= \$600
Hearing process fee	= \$2,000

#### Forum Fees and Assessments

The arbitration panel has the authority to assess 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 \$1,000	= \$1,000
Pre-hearing conference: January 31, 2001	1 session

Two (2) Hearing sessions x \$1,000 = \$2,000

Hearing Dates:

May 15, 2001 2 sessions

Total Forum Fees = \$3,000

1. The arbitration panel has assessed \$1,500 of the forum fees to Claimant M. Jackie Carter.
2. The arbitration panel has assessed \$1,500 of the forum fees to Respondent A.G. Edwards & Sons, Inc.

Fee Summary

1. Claimant, M. Jackie Carter, be and hereby is solely liable for:

Initial Filing Fee	= \$250
Member Fees	= \$0
Adjournment Fee	= \$0
Forum Fees	= \$1,500
<u>Administrative Costs</u>	<u>= \$0</u>
Total Fees	= \$1,750
<u>Less payments</u>	<u>= \$1,250</u>
Balance Due NASD Dispute Resolution, Inc.	= \$500

2. Respondent, A.G. Edwards & Sons, Inc., be and hereby is solely liable for:

Filing Fee	= \$0
Member Fees	= \$3,800
Adjournment Fee	= \$
Forum Fees	= \$1,500
<u>Administrative Costs</u>	<u>= \$0</u>
Total Fees	= \$5,300
<u>Less payments</u>	<u>= \$1,800</u>
Balance Due NASD Dispute Resolution, Inc.	= \$3,500

All balances are due to NASD Dispute Resolution, Inc.

ARBITRATION PANEL

Vincent P. Fitzgerald	-	Public Arbitrator, Presiding Chair
Dom Alecci	-	Public/Non-Public Arbitrator
Dunn Krahl	-	Non-Public Arbitrator

Concurring Arbitrators' Signature(s)

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Vincent P. Fitzgerald  
Public Arbitrator, Presiding Chair

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Signature Date

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Dom Alecci  
Public Arbitrator

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

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Dunn Krahl  
Non-Public Arbitrator

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Signature Date

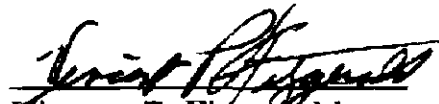
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Date of Service (For NASD-Dispute Resolution office use only)

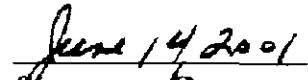
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Public Arbitrator, Presiding Chair

  
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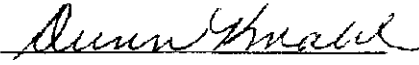
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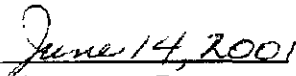
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