

**Award  
NASD Dispute Resolution**

---

In the Matter of the Arbitration Between:

Name of the Claimant

Case Number: 00-05636

The Wooten Trust and John W.  
Wooten,

Name of the Respondents

Hearing Site: Houston, Texas

Edward Jones, Inc. and Allen J.  
Istre,

---

**REPRESENTATION OF PARTIES**

Claimant The Wooten Trust and John W. Wooten, hereinafter referred to as "Claimant," was represented by Nan Roberets Eitel of Jones Walker located in New Orleans, Louisiana.

Respondents Edward Jones, Inc. and Allen J. Istre, hereinafter collectively referred to as "Respondents," were represented by Lisa A. Nielsen of Greensfelder, Hemker & Gale, PC located in St. Louis, Missouri.

**CASE INFORMATION**

The Statement of Claim was filed on or about December 21, 2000.

The Amended Statement of Claim was filed on or about May 3, 2001.

The Second Amended Statement of Claim was filed on or about April 8, 2001.

Claimant signed the Uniform Submission Agreement on December 13, 2000.

Respondents filed a Motion to Dismiss the Statement of Claim on or about March 15, 2001.

Respondents filed a Motion to Dismiss the Amended Statement of Claim on or about April 18, 2002.

Respondents filed an Answer to the Second Amended Statement of Claim on or about October 16, 2002.

Respondents signed the Uniform Submission Agreement on January 25, 2001 (Edward Jones, Inc.) and January 29, 2001 (Allen J. Istre).

### **CASE SUMMARY**

This claim revolved around the sale of shares of Walgreen stock. In the Second Amended Statement of Claim, Claimant alleged that Respondents engaged in the following wrongful acts:

- Unauthorized trading in the amount of \$1,400,000
- Churning
- Failure to supervise
- Misrepresentations and Omission
- Negligence and breach of fiduciary duty

Respondents denied all liability to Claimant in the Statement of Answer on file. Respondents contended that all transactions at issue were discussed with and authorized by the Claimant. Respondents also contended that the transactions at issue served to diversify an account that had become dominated by a single stock.

### **RELIEF REQUESTED**

Claimant requested:

Compensatory Damages	\$464,622.00
Punitive Damages	\$100,000.00
Interest	Unspecified amount
Attorneys' Fees	Unspecified amount
Other Costs and Damages	Unspecified amount

In the Statement of Answer, Respondents requested that the Statement of Claim be dismissed in its entirety.

### **OTHER ISSUES CONSIDERED AND DECIDED**

The Motion to Dismiss was denied by the panel.

The parties 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 and 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. The Statement of Claim is hereby dismissed with prejudice;
2. The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Allen J. Istre's registration records maintained by the NASD

Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondent Allen J. Istre must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive;

3. Each party shall bear his or its own costs and attorneys' fees; and
4. Any and all relief not specifically addressed herein is denied with prejudice.

#### **FEES**

Pursuant to the Code, the following fees are assessed:

##### **Filing Fees**

NASD Dispute Resolution 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(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. Edward Jones, Inc. is a party to this matter and is liable for the following member fees:

Member surcharge	= \$ 2,000.00
Pre-hearing process fee	= \$ 600.00
Hearing process fee	= \$ 3,500.00

##### **Forum Fees and Assessments**

The Panel has assessed forum fees for each session conducted. A 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(s) with Panel @ \$1,200	= \$ 1,200.00
Pre-hearing conference(s): June 25, 2001, 1 session	

Six (6) Hearing session(s) @ \$1,200	= \$ 7,200.00
Hearing(s): April 15, 2003, 2 sessions	
April 16, 2003, 2 sessions	
April 17, 2003, 2 sessions	

---

Total Forum Fees	= \$ 8,400.00
------------------	---------------

1. The Panel has assessed all of the forum fees in the amount of \$8,400.00 to Claimant.

**Fee Summary**

Claimant is solely liable for:

Initial Filing Fee	= \$ 375.00
Forum Fees	= \$ 8,400.00
Total Fees	= \$ 8,775.00
Less payments	= \$ 1,575.00
Balance Due NASD Dispute Resolution	= \$ 7,200.00

Respondents are jointly liable for:

Member Fees (Edward Jones only)	= \$ 6,100.00
Forum Fees	= \$ 00.00
Total Fees	= \$ 6,100.00
Less payments	= \$ 2,600.00
Balance Due NASD Dispute Resolution	= \$ 3,500.00

All balances are payable to NASD Dispute Resolution and are due upon receipt pursuant to Rule 10330(g) of the Code.

**ARBITRATION PANEL**

Jerry C. Prestridge, Esq.-Public Arbitrator, Presiding Chairperson  
James P. Hoefling - Public Arbitrator  
Thomas H. Griffin - Non-Public Arbitrator

**Concurring Arbitrators' Signature(s)**

/s/ Jerry C. Prestridge, Esq  
Jerry C. Prestridge, Esq.  
Public Arbitrator, Presiding Chairperson

April 22, 2003  
Signature Date

/s/ James P. Hoefling  
James P. Hoefling  
Public Arbitrator

April 24, 2003  
Signature Date

/s/ Thomas H. Griffin  
Thomas H. Griffin  
Non-Public Arbitrator

April 24, 2003  
Signature Date

April 24, 2003  
Date of Service (For NASD Dispute Resolution use only)

NASD Dispute Resolution  
 Arbitration No. 00-05636  
Award Page 4 of 4

1. The Panel has assessed all of the forum fees in the amount of \$8,400.00 to Claimant.

### Fee Summary

Claimant is solely liable for:

Initial Filing Fee	= \$ 375.00
Forum Fees	= \$ 8,400.00
Total Fees	= \$ 8,775.00
Less payments	= \$ 1,575.00
Balance Due NASD Dispute Resolution	= \$ 7,200.00

Respondents are jointly liable for:

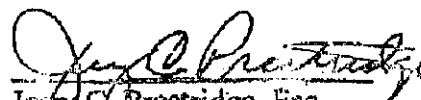
Member Fees (Edward Jones only)	= \$ 6,100.00
Forum Fees	= \$ 00.00
Total Fees	= \$ 6,100.00
Less payments	= \$ 2,600.00
Balance Due NASD Dispute Resolution	= \$ 3,500.00

All balances are payable to NASD Dispute Resolution and are due upon receipt pursuant to Rule 10330(g) of the C. de.

### ARBITRATION PANEL

Jerry C. Prestridge, Esq. - Public Arbitrator, Presiding Chairperson  
 James P. Hoefling - Public Arbitrator  
 Thomas H. Griffin - Non-Public Arbitrator

### Concurring Arbitrators' Signature(s)

  
 Jerry C. Prestridge, Esq.  
 Public Arbitrator, Presiding Chairperson

April 21, 2003  
 Signature Date

James P. Hoefling  
 Public Arbitrator

Signature Date

Thomas H. Griffin  
 Non-Public Arbitrator

Signature Date

Date of Service (For NASD Dispute Resolution use only)

NASD Dispute Resolution  
Arbitration No. 00-05636  
Award Page 4 of 4

1. The Panel has assessed all of the forum fees in the amount of \$8,400.00 to Claimant.

#### Fee Summary

Claimant is solely liable for:

Initial Filing Fee	= \$ 375.00
Forum Fees	= \$ 8,400.00
Total Fees	= \$ 8,775.00
Less payments	= \$ 1,575.00
Balance Due NASD Dispute Resolution	= \$ 7,200.00

Respondents are jointly liable for:

Member Fees (Edward Jones only)	= \$ 6,100.00
Forum Fees	= \$ 00.00
Total Fees	= \$ 6,100.00
Less payments	= \$ 2,600.00
Balance Due NASD Dispute Resolution	= \$ 3,500.00

All balances are payable to NASD Dispute Resolution and are due upon receipt pursuant to Rule 10330(g) of the Code.

#### ARBITRATION PANEL

Jerry C. Prestridge, Esq.-Public Arbitrator, Presiding Chairperson  
James P. Hoefling - Public Arbitrator  
Thomas H. Griffin - Non-Public Arbitrator

#### Concurring Arbitrators' Signatures(s)

Jerry C. Prestridge, Esq.  
Public Arbitrator, Presiding Chairperson

  
James P. Hoefling  
Public Arbitrator

Thomas H. Griffin  
Non-Public Arbitrator

Signature Date

4-24-03  
Signature Date

Signature Date

Date of Service (For NASD Dispute Resolution use only)

NASD Dispute Resolution  
Arbitration No. 00-05636  
Award Page 4 of 4

Post-It<sup>®</sup> brand fax transmittal memo 7671

# of pages &gt; 1

1. The Panel has assessed all of the forum fe

Fee Summary

Claimant is solely liable for:

Initial Filing Fee	= \$ 375.00
Forum Fees	= \$ 8,400.00
Total Fees	= \$ 8,775.00
Less payments	= \$ 1,575.00
Balance Due NASD Dispute Resolution	= \$ 7,200.00

Respondents are jointly liable for:

Member Fees (Edward Jones only)	= \$ 6,100.00
Forum Fees	= \$ 00.00
Total Fees	= \$ 6,100.00
Less payments	= \$ 2,600.00
Balance Due NASD Dispute Resolution	= \$ 3,500.00

All balances are payable to NASD Dispute Resolution and are due upon receipt pursuant to Rule 10330(g) of the Code.

ARBITRATION PANEL

Jerry C. Prestridge, Esq. - Public Arbitrator, Presiding Chairperson  
James P. Hoefling - Public Arbitrator  
Thomas H. Griffin - Non-Public Arbitrator

Concurring Arbitrators' Signature(s)

Jerry C. Prestridge, Esq.  
Public Arbitrator, Presiding Chairperson.

Signature Date

James P. Hoefling  
Public Arbitrator

Signature Date

Thomas H. Griffin  
Non-Public Arbitrator

Signature Date

4-24-03

Date of Service (For NASD Dispute Resolution use only)