

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between

Name of Claimant

Mid-South Engineering Company
Employees Profit Sharing Plan
by and Through its Trustee
Don Donathan

Case No. 01-00874

Name of Respondent

Stephens, Inc.

Hearing Site: Little Rock, AR

REPRESENTATION OF PARTIES

For Mid-South Engineering Company Employees Profit Sharing Plan by and Through its Trustee Don Donathan, hereinafter referred to as "Claimant": Richard C. Downing, Esq., Little Rock, AR.

For Stephens, Inc., hereinafter referred to as "Respondent": Kenneth R. Shemin, Esq. and Jennifer B. Hendren, Esq. of Kutak Rock, LLP, Fayetteville, AR.

CASE INFORMATION

Statement of Claim filed on or about: February 21, 2001.

Amended Statement of Claim filed on or about: March 21, 2002.

Claimant signed the Uniform Submission Agreement: February 14, 2001.

Statement of Answer filed by Respondent on or about: June 18, 2001.

Respondent signed the Uniform Submission Agreement: April 23, 2001.

Claimant's Motion to Amend Statement of Claim filed on or about: February 26, 2002.

CASE SUMMARY

Claimant asserted the causes of action of breach of contract and breach of fiduciary duty. The causes of action relate to the sale of Stephens Equity Fund shares.

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim.

RELIEF REQUESTED

Claimant requested compensatory damages of \$112,120.36, punitive damages of \$225,000.00, costs, attorneys' fees, and all other relief to which it is entitled.

Respondents requested dismissal of the Statement of Claim.

OTHER ISSUES CONSIDERED AND DECIDED

On or about March 21, 2002, the Panel issued an order which granted Claimant's Motion to Amend Statement of Claim.

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.

AWARD

After considering the pleadings, the testimony and evidence presented at the hearing, and the post-hearing submissions (if any), the Panel has decided in full and final resolution of the issues submitted for determination as follows:

Claimant's Statement of Claim is dismissed, with prejudice.

Any and all relief requests not specifically addressed herein, including punitive damages, are denied.

FEES

Pursuant to the NASD Code of Arbitration Procedure (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
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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 firm is a party.

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

Adjournment Fees

Adjournments requested during these proceedings:

January 14 & 15, 2002, adjournment by Respondent	= fee waived by Panel
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Forum Fees and Assessments

The Panel 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 \$1,125.00 = \$1,125.00
Pre-hearing conference: October 3, 2001 1 session

Two (2) Hearing sessions x \$1,125.00 = \$2,250.00
Hearing Date: March 25, 2002 2 sessions

Total Forum Fees = \$3,375.00

The Panel has assessed \$1,687.50 of the forum fees to Claimant.
The Panel has assessed \$1,687.50 of the forum fees to Respondent.

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 in this matter.

FEE SUMMARY

Claimant be and hereby is solely liable for:

Initial Filing Fee = \$375.00
Forum Fees = \$1,687.50

Total Fees = \$2,062.50
Less payments = \$1,575.00

Balance Due NASD Dispute Resolution, Inc. = \$487.50

Respondent be and hereby is solely liable for:

Member Fees = \$6,100.00
Forum Fees = \$1,687.50

Total Fees = \$7,787.50
Less payments = \$6,100.00

Balance Due NASD Dispute Resolution, Inc. = \$1,687.50

All balances are payable to NASD Dispute Resolution, Inc. and are due immediately upon receipt of the Award by the parties pursuant to Rule 10330(g) of the Code.

ARBITRATION PANEL

Robert E. Hornberger, Esq.	-	Public Arbitrator, Presiding Chair
Angelia J. Tolbert, Esq.	-	Public Arbitrator
Donna J. Young	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

/s/

Robert E. Hornberger, Esq.
Public Arbitrator, Presiding Chair

Signature Date

/s/

Angelia J. Tolbert, Esq.
Public Arbitrator

Signature Date

/s/

Donna J. Young
Non-Public Arbitrator

Signature Date

April 26, 2002

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



NASD Dispute Resolution, Inc.
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Robert E. Hornberger, Esq.
Public Arbitrator, Presiding Chair

4/24/02
Signature Date

Angelia J. Tolbert, Esq.
Public Arbitrator

Signature Date

Donna J. Young
Non-Public Arbitrator

Signature Date

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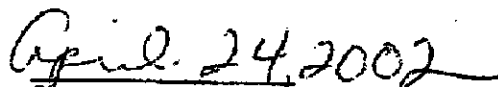
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