

**Award
NASD Dispute Resolution**

COPY

In the Matter of the Arbitration Between:

Joseph P. Bourdeau and Sandra K. Bourdeau as Trustees for the Bourdeau Family Revocable Living Trust, Claimant v. A.G. Edwards & Sons, Inc., Respondent

Case Number: 01-03079

Hearing Site: San Francisco, California

Nature of the Dispute: Customer vs. Member

REPRESENTATION OF PARTIES

For Claimant:

Kevin J. Mirch, Esq.
Mirch & Mirch
Reno, Nevada

For Respondent:

Matthew Salamon, Esq.
A.G. Edwards & Sons, Inc.
St. Louis, Missouri

CASE INFORMATION

Amended Statement of Claim filed: August 30, 2001

Claimant's Uniform Submission Agreement signed: August 30, 2001 and September 27, 2001

Statement of Answer filed by Respondent A.G. Edwards & Sons, Inc. ("Edwards"): December 21, 2001

Respondent Edwards' Uniform Submission Agreement signed: December 21, 2001

CASE SUMMARY

Claimant alleged the following claims with respect to investments in Nevada Banking Company stock: 1) Breach of Contract; and 2) Negligence.

Respondent denied Claimant's allegations of wrongdoing and denied any liability to Claimant.

RELIEF REQUESTED

Claimant requested:

1. That Respondent be ordered to pay to Claimant a sum in excess of \$10,000.00, the exact amount of which will be proven at the time of arbitration;
2. That Respondent be ordered to pay to Claimant a sum, the exact amount of which will be proven at the time of arbitration, for Claimant's lost earnings, both past and future;
3. That Respondent be ordered to pay to Claimant a sum in excess of \$18,000.00, the exact amount of which will be proven at the time of arbitration, for Claimant's physical and mental pain, and for Claimant's personal property damage;
4. That Claimant be awarded exemplary damages, as permitted by law, as a result of Respondent's willful and wanton misconduct in a sum three times the amount of actual damages, or in excess of \$54,000.00;
5. That Claimant be awarded the attorney's fees and costs that Claimant incurred in the prosecution of this Complaint; and
6. Such other and further relief as the Panel may deem just and equitable.

Respondent requested:

1. That Claimant's Statement of Claim be dismissed with prejudice;
2. That Respondent be awarded its costs, fees and any expenses associated with the defense of this matter; and
3. Other and further relief deemed appropriate under the facts and circumstances of the case.

OTHER ISSUES CONSIDERED AND DECIDED

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, testimony, and evidence presented at the hearing, and the post-hearing submissions, the Panel decided in full and final resolution of the issues submitted for determination as follows:

- 1) All claims by Claimant, including the claim for exemplary damages, are dismissed.
- 2) Each party shall bear its own costs, including attorney's fees.
- 3) All other relief not expressly granted is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD-DR received or will collect the non-refundable filing fees for each claim as follows:

Initial claim filing fee	= \$225.00
--------------------------	------------

Member Fees

Member fees are assessed to each member firm that is either a party in the matter or an employer of a respondent associated person at the time of the events that gave rise to the dispute, claim, or controversy. Accordingly, Edwards is a party and the following fees are assessed:

Member Surcharge	= \$1,000.00
Pre-Hearing Process Fee	= \$ 600.00
<u>Hearing Process Fee</u>	<u>= \$1,500.00</u>
Total Member Fees	= \$3,100.00

Adjournment Fees

The following adjournment fees are assessed:

August 5-6, 2003, adjournment by Claimant	= \$750.00
---	------------

Forum Fees and Assessments

The Panel assessed a forum fee for each pre-hearing conference or hearing session conducted. A pre-hearing conference and hearing session is any meeting between the parties and the Chair/Panel. The following fees are assessed:

(1) Pre-hearing conference with a single arbitrator @ \$450.00/session	= \$450.00
Pre-hearing conference: May 14, 2004 1 session	

(1) Pre-hearing conference session with the Panel @ \$750.00/session	= \$750.00
Pre-hearing conference: July 24, 2002 1 session	

(2) Hearing sessions @ \$750.00/session	= \$1,500.00
Hearing: May 19, 2004 2 sessions	

Total Forum Fees	= \$2,700.00
------------------	--------------

The Panel assessed \$1,350.00 in forum fees to Claimant.

The Panel assessed \$1,350.00 in forum fees to Respondent Edwards.

Fee Summary

1. Claimant is charged with the following fees and costs:

Initial Filing Fee	= \$ 225.00
Adjournment Fee	= \$ 750.00
<u>Forum Fees</u>	<u>= \$ 1,350.00</u>
Total Fees	= \$ 2,325.00
<u>Less Payments</u>	<u>= \$ (975.00)</u>
Balance Due NASD-DR	= \$ 1,350.00

2. Respondent Edwards is charged with the following fees and costs:

Member Fees	= \$ 3,100.00
<u>Forum Fees</u>	<u>= \$ 1,350.00</u>
Total Fees	= \$ 4,450.00
<u>Less Payments</u>	<u>= \$(3,100.00)</u>
Balance Due NASD-DR	= \$ 1,350.00

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

ARBITRATION PANEL

Nancy Hutt, Esq.	-	Public Arbitrator, Presiding Chair
Rita H. Schuman	-	Public Arbitrator
Greg N. Tcherkoyan	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures


Nancy Hutt, Esq.
Chair, Public Arbitrator

August 16, 2004
Signature Date

Rita H. Schuman
Public Arbitrator

Signature Date

Greg N. Tcherkoyan
Non-Public Arbitrator

Signature Date

8/19/04
Date of Service

ARBITRATION PANEL

Nancy Hutt, Esq.	-	Public Arbitrator, Presiding Chair
Rita H. Schuman	-	Public Arbitrator
Greg N. Tcherkoyan	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

Nancy Hutt, Esq.
Chair, Public Arbitrator



Rita H. Schuman
Public Arbitrator

Signature Date

8/19/04
Signature Date

Greg N. Tcherkoyan
Non-Public Arbitrator

Signature Date

8/19/04
Date of Service

ARBITRATION PANEL

Nancy Hutt, Esq.	-	Public Arbitrator, Presiding Chair
Rita H. Schuman	-	Public Arbitrator
Greg N. Tcherkoyan	-	Non-Public Arbitrator


Concurring Arbitrators' Signatures

Nancy Hutt, Esq.
Chair, Public Arbitrator

Signature Date

Rita H. Schuman
Public Arbitrator

Signature Date



Greg N. Tcherkoyan
Non-Public Arbitrator

8-18-04
Signature Date

8/26/04
Date of Service