

**AWARD**  
**NASD Dispute Resolution, Inc.**

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In the Matter of the Arbitration Between

Name of Claimant

Raymond James & Associates, Inc.

and

01-03263  
Dallas, Texas

Name of Respondent

Thomas G. Winningham

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**REPRESENTATION OF PARTIES**

Raymond James & Associates, Inc. ("**Claimant**") was represented by Deborah Howard, Esq., Raymond James & Associates, Inc., St. Petersburg, FL.

Thomas G. Winningham ("**Respondent**") did not appear.

**CASE INFORMATION**

The Statement of Claim was filed on or about June 19, 2001. Submission Agreement of Claimant Raymond James & Associates, Inc. was signed on June 8, 2001.

NASD Dispute Resolution, Inc. has no record of a Statement of Answer or Submission Agreement from Respondent Thomas G. Winningham.

**CASE SUMMARY**

Claimant alleged that it's former employee Respondent Thomas G. Winningham failed to repay amount due on an employment promissory note.

Respondent did not file a Statement of Claim.

### **RELIEF REQUESTED**

Claimant requested an award in the amount of \$210,937.00, attorney's fees, interest, and all other costs the panel deems appropriate.

Respondent requested that the claims asserted against them be denied in its entirety and that they be awarded their costs and attorneys' fees.

### **OTHER ISSUES CONSIDERED & DECIDED**

Upon review of the file and the representations made by/on behalf of the Claimant, the undersigned arbitrators have determined that Respondent Thomas G. Winningham has been properly served with the Statement of Claim pursuant to Rule 10302 and Rule 10314 of the NASD Code of Arbitration Procedure (the "Code"). The undersigned arbitrators have also determined that Respondent Thomas G. Winningham had received due notice of the hearing as required under Rule 10315 of the Code and that arbitration of the matter would proceed pursuant to Rule 10318 of the Code.

Respondent Thomas G. Winningham did not file with the NASD Dispute Resolution, Inc. a properly executed submission to arbitration but is required to submit to arbitration pursuant to Rule 10301 of the NASD Code of Arbitration Procedure (the "Code") is bound by the determination of the arbitration panel on all issues submitted.

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. In either case, the parties have agreed to receive conformed copies of the award while the original(s) remain on file with the NASD Dispute Resolution, Inc. (the "NASD").

### **AWARD**

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

1. That the Respondent Thomas Winningham is liable for and shall pay \$189,843.00 (one hundred eighty nine thousand, eight hundred forty three dollars) in compensatory damages and 6% to begin to accrue on April 19, 2001 (six percent interest);
2. That to the extent not specifically awarded or otherwise provided for above, all other claims and requests for relief by any party hereto are denied with prejudice.

Other than the Forum Fees noted below, the parties shall each bear all other costs and expenses incurred by them in connection with this proceeding, including but not limited to attorneys fees.

### **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 = \$1,000.00

#### **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 persons at the time of the events giving rise to the dispute. In this matter, the member firm is Raymond James & Associates.

Member surcharge = \$1,500.00  
Pre-hearing process fee = \$600.00  
Hearing process fee = \$2,500.00

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

The Arbitration Panel assesses 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 conferences: November 13, 2001 1 session  
  
One (1) Hearing sessions x \$1,125.00 = \$1,125.00  
Hearing Date: January 8, 2001 1 session  
  
Total Forum Fees = \$2,250.00

The Arbitration Panel has assessed \$2,250.00 of the forum fees to Claimant Raymond James & Associates, Inc.

**Fee Summary**

Claimant, Raymond James & Associates, Inc., shall be and hereby is liable for:

Initial Filing Fee	= \$1,000.00
Member Fees	= \$4,600.00
Administrative Costs	= \$00.00
<u>Forum Fees</u>	= \$00.00
Total Fees	= \$5,600.00
<u>Less payments</u>	= \$3,625.00
Balance Due NASD Dispute Resolution, Inc.	= \$1,975.00

Respondent, Thomas G. Winningham, shall be and hereby is liable for:

<u>Forum Fees</u>	= \$2,250.00
Total Fees	= \$2,250.00
<u>Less payments</u>	= \$ .00
Balance Due NASD Dispute Resolution, Inc.	= \$ 2,250.00

All balances are due to NASD Dispute Resolution, Inc.

**ARBITRATION PANEL**

Sheldon F. Schobert - Non-Public, Presiding Chair  
Melody A. Pruser - Non-Public Arbitrator  
Robert K. Hedrick - Non-Public Arbitrator

Concurring Arbitrators:

\_\_\_\_\_  
Sheldon F. Schobert  
Public Arbitrator, Presiding Chair

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

\_\_\_\_\_  
Melody A. Pruser  
Public Arbitrator

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

\_\_\_\_\_  
Robert K. Hedrick  
Non-Public Arbitrator

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

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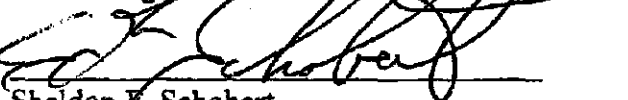
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Concurring Arbitrators:



Sheldon F. Schobert  
Non-Public Arbitrator, Presiding Chair

2/24/02  
Signature Date

Melody A. Pruser  
Non-Public Arbitrator

Signature Date

Robert K. Hedrick  
Non-Public Arbitrator

Signature Date

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Non-Public Arbitrator, Presiding Chair

Melody A. Pruser  
Melody A. Pruser  
Non-Public Arbitrator

Signature Date

2/13/02  
Signature Date

Robert K. Hedrick  
Non-Public Arbitrator

Signature Date

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Signature Date

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Melody A. Pruser  
Non-Public Arbitrator

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

\_\_\_\_\_  
*Robert K. Hedrick*  
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Non-Public Arbitrator

\_\_\_\_\_  
*2-12-2002*  
Signature Date