

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Dale L. Burghardt, as an individual and as Trustee of the Retirement Plan Trust of DLB Enterprises, Inc. and as Custodian of the Account of Kelsey Burghardt, Claimants v. Edward Jones, Respondent

Case Number: 02-04909

Hearing Site: Portland, Oregon

REPRESENTATION OF PARTIES

For Claimants:

Justine Fischer
Portland, Oregon

For Respondent:

Timothy M. Huskey, Esq.
Greensfelder, Hemker & Gale, PC
St. Louis, Missouri

CASE INFORMATION

Statement of Claim filed: August 15, 2002

Claimants' Uniform Submission Agreement signed: August 14, 2002

Statement of Answer filed by Respondent Edward Jones: November 15, 2002

Respondent's Uniform Submission Agreement signed: September 16, 2002

CASE SUMMARY

Claimants alleged that their accounts suffered damages because of Respondent's failure to execute trades ordered with respect to Global Crossing stock. Claimants also alleged breach of contract with respect to their accounts.

Respondent denied Claimants' allegations of wrongdoing and denied any liability to Claimants. Respondents also asserted affirmative defenses.

RELIEF REQUESTED

Claimants requested damages in the amount of \$120,000, or such additional sums as are proved at the hearing, and requested such other and further relief as the Panel deems to be just.

OTHER ISSUES CONSIDERED AND DECIDED

On or about March 5, 2003, Claimants dismissed all claims asserted on behalf of Dale Burghardt, as an individual.

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, the Panel decided in full and final resolution of the issues submitted for determination as follows:

- 1) The Panel finds no breach of contract, written or implied, and therefore finds for Respondent. Accordingly, all claims by Claimants 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	= \$300.00
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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, the member firm Edward Jones is a party and the following fees are assessed:

Member Surcharge	= \$1,700.00
Pre-Hearing Process Fee	= \$ 750.00
<u>Hearing Process Fee</u>	<u>= \$2,750.00</u>
Total Member Fees	= \$5,200.00

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:

(2) Pre-hearing conference sessions with a single arbitrator @ \$450/session = \$900.00

Pre-hearing conferences:	March 19, 2003	1 session
	May 1, 2003	1 session

(1) Pre-hearing conference session with the Panel @ \$1,125.00/session = \$1,125.00

Pre-hearing conference:	February 5, 2003	1 session
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(3) Hearing sessions @ \$1,125.00/session = \$3,375.00

Hearing:	June 24, 2003	2 sessions
	June 25, 2003	1 session

Total Forum Fees	= \$5,400.00
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The Panel assessed \$2,700.00 in forum fees to Claimants.

The Panel assessed \$2,700.00 in forum fees to Respondent.

Fee Summary

1. Claimants are charged with the following fees and costs:

Initial Filing Fee	= \$ 300.00
Forum Fees	= \$ 2,700.00
<hr/> Total Fees	= \$ 3,000.00
Less Payments	= \$ (1,425.00)
<hr/> Balance Due NASD-DR	= \$ 1,575.00

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

Member Fees	= \$ 5,200.00
Forum Fees	= \$ 2,700.00
<hr/> Total Fees	= \$ 7,900.00
Less Payments	= \$(5,200.00)
<hr/> Balance Due NASD-DR	= \$ 2,700.00

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

Thomas P. Joseph, Jr., Esq.	-	Public Arbitrator, Presiding Chair
James F. Zotter, Esq.	-	Public Arbitrator
Peter Frank Bozikovich	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

Thomas P. Joseph, Jr., Esq.
Chair, Public Arbitrator

Signature Date

James F. Zotter, Esq.
Public Arbitrator

Signature Date

Peter Frank Bozikovich
Non-Public Arbitrator

Signature Date

7/8/03

Date of Service

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Peter Frank Bozickovich	-	Non-Public Arbitrator

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Thomas P. Joseph, Jr., Esq.
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Signature Date

James F. Zotter, Esq.
Public Arbitrator

Signature Date


Peter Frank Bozickovich
Non-Public Arbitrator

7-2-03
Signature Date

7/3/03
Date of Service

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Peter Frank Bozikovich	-	Non-Public Arbitrator

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7/2/03
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Public Arbitrator

Signature Date

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Signature Date

7/3/03
Date of Service