

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant
Zinsmeyer Trusts Partnership,
Andrew R. Zinsmeyer, Managing Partner

Case Number: 02-05831

Name of the Respondent
A.G. Edwards & Sons, Inc.

Hearing Site: St. Louis, Missouri

NATURE OF DISPUTE

Customer vs. Member Firm

REPRESENTATION OF PARTIES

Richard P. Sher, Esq. of Devereux Murphy, LLC located in St. Louis, Missouri represented Zinsmeyer Trusts Partnership, Andrew R. Zinsmeyer, Managing Partner, hereinafter referred to as "Claimant."

William S. Port, Esq. of A.G. Edwards & Sons, Inc. located in St. Louis, Missouri represented A.G. Edwards & Sons, Inc., ("Edwards") hereinafter referred to as "Respondent."

CASE INFORMATION

Statement of Claim filed October 1, 2002.

Claimant, Zinsmeyer Trusts Partnership, Andrew R. Zinsmeyer, Managing Partner, signed the Uniform Submission Agreement on August 20, 2002.

Statement of Answer filed by Respondent, A.G. Edwards & Sons, Inc. on or about November 26, 2002.

Respondent, A.G. Edwards & Sons, Inc. signed the Uniform Submission Agreement on November 25, 2002.

CASE SUMMARY

Claimant asserted the following causes of action: negligence and breach of fiduciary duty. The causes of action relate to the stock purchase of Transaction Network Services (TNSI), which then became PSINet, Inc. due to a merger. Claimant alleged that Respondent A.G. Edwards & Sons, Inc. failed to provide facts and information that were material to Claimant's investment decisions.

Unless specifically admitted in its Answer, Respondent, A. G. Edwards & Sons, Inc. denied the allegations made in the Statement of Claim and asserted the following defenses:

1. By failing to exercise the degree of care over its affairs and investments, which an ordinarily prudent investor would exercise, Claimant caused or contributed to cause the alleged damages of which Claimant complains herein and is thus barred by its contributory negligence from recovering such alleged damages from Edwards.
2. The Claimant was aware from the outset of the risks of profit and loss associated with investing in securities, and voluntarily assumed such risks. The Claimant's knowing and voluntarily assumption of such risks was the sole and proximate cause of its alleged damages.
3. The damages allegedly suffered by Claimant were cause, if at all, by unforeseeable market factors and conditions effecting the value of securities in Claimant's account, for which Edwards is not liable or responsible.
4. The Statement of Claim and each count thereof, fails to state a claim against Edwards upon which relief can be granted.

RELIEF REQUESTED

Claimant Zinsmeyer Trusts Partnership,
Andrew R. Zinsmeyer, Managing Partner requested:

Compensatory Damages	\$1,000,000.00
Punitive Damages	\$1,000,000.00
Interest	9% per annum
Attorneys' Fees	unspecified
Other Costs	unspecified

Respondent, A.G. Edwards & Sons, Inc. requested that all claims in Claimant's Statement of Claim be dismissed in its entirety, awarding A.G. Edwards & Sons, Inc. its costs and fees associated with the defense of this matter, including reasonable attorney's fees, and such other and further relief as the Panel may deem just and proper.

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

1. Any and all claims asserted by Claimant, Zinsmeyer Trusts Partnership, Andrew R. Zinsmeyer, Managing Partner, are denied.
2. Parties shall bear their own costs, including attorneys' fees, except as specified herein.
3. Any and all relief not specifically addressed herein, including punitive damages, is denied.

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 = \$ 500.00

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 person at the time of the events giving rise to the dispute. Accordingly, A.G. Edwards & Sons, Inc. is a party to this case and is assessed the following fees:

Member surcharge	= \$ 2,800.00
Pre-hearing process fee	= \$ 750.00
<u>Hearing process fee</u>	<u>= \$ 5,000.00</u>
Total Fees	= \$ 8,550.00

Forum Fees and Assessments

The Panel has assessed forum fees for each session conducted. A session is any meeting between the parties and the arbitrators, including a pre-hearing conference with the arbitrators, that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with a single arbitrator @ \$450.00	= \$ 450.00
Pre-hearing conference: August 25, 2003	1 session

Two (2) Pre-hearing sessions with Panel @ \$1,200.00	= \$ 1,200.00
Pre-hearing conferences: April 11, 2003	1 session
November 10, 2003	1 session

Four (4) Hearing sessions @ \$1,200.00	= \$ 4,800.00
Hearing Dates: November 11, 2003	2 sessions
November 12, 2003	2 sessions

Total Forum Fees	= \$ 7,650.00
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1. The Panel has assessed 50% of the total forum fees in the amount of \$3,825.00 solely to Claimant, Zinsmeyer Trusts Partnership, Andrew R. Zinsmeyer, Managing Partner.
2. The Panel has assessed 50% of the total forum fees in the amount of \$3,825.00 solely to Respondent, A.G. Edwards & Sons, Inc.

Fee Summary

1. Claimant, Zinsmeyer Trusts Partnership, Andrew R. Zinsmeyer, Managing Partner, is solely liable for:

Initial Filing Fee	= \$ 500.00
Forum Fees	= \$ 3,825.00
Total Fees	= \$ 4,325.00
Less payments	= \$ 1,700.00
Balance Due NASD Dispute Resolution	= \$ 2,625.00

2. Respondent, A.G. Edwards & Sons, Inc. is solely liable for:

Member Fees	= \$ 8,550.00
Forum Fees	= \$ 3,825.00
Total Fees	= \$12,375.00
Less payments	= \$ 8,550.00
Balance Due NASD Dispute Resolution	= \$ 3,825.00

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

ARBITRATION PANEL

Leah M. Balk, Esq.	-	Public Arbitrator, Presiding Chairperson
C.J. McEnery, Jr.	-	Public Arbitrator
Jerry M. Deters	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

_____ Leah M. Balk, Esq. Public Arbitrator, Presiding Chairperson	_____ 12/18/03 Signature Date
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_____ C.J. McEnery, Jr. Public Arbitrator	_____ 12/18/03 Signature Date
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_____ Jerry M. Deters Non-Public Arbitrator	_____ 12/19/03 Signature Date
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12/19/03
Date of Service (For NASD Dispute Resolution use only)

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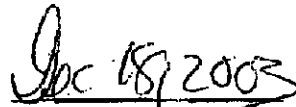
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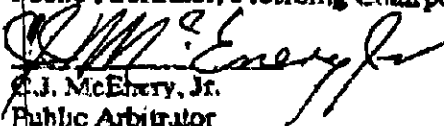
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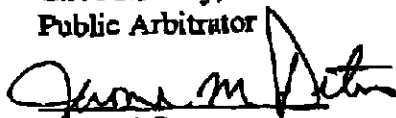
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