
Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant

William Gregory and Dorene Priolo Barker

Case Number: 02-05878

Names of the Respondents

John Mackie

Al Goldman

A.G. Edwards & Sons, Inc.

Hearing Site: Tampa, Florida

Nature of the Dispute: Customer vs. Member and Associated Persons.

REPRESENTATION OF PARTIES

For William Gregory and Dorene Priolo Barker, hereinafter referred to as "Claimant": Arthur L. Stern, III, Esq., Tallahassee, Florida.

For John Mackie ("Mackie"), Al Goldman ("Goldman") and A.G. Edwards & Sons, Inc. ("A.G. Edwards"), hereinafter collectively referred to as "Respondents": Nuviah Shirazi, Esq., Litigation Counsel with Respondent A.G. Edwards, St. Louis, Missouri. On or about June 19, 2003, Marc S. Dobin, Esq., Dobin & Jenks, LLP, Jupiter, Florida, appeared as co-counsel for Respondents.

CASE INFORMATION

Statement of Claim filed on or about: September 23, 2002.

Claimant signed the Uniform Submission Agreement on: September 10, 2002.

Amended Statement of Claim filed on or about: June 28, 2003.

Respondents' Motion to Dismiss filed on or about: February 11, 2003.

Claimant's Response to Respondents' Motion to Dismiss filed on or about: March 27, 2003.

Statement of Answer filed by Respondents on or about: August 1, 2003.

Claimant's Motion to Withdraw Statement of Claim Without Prejudice filed on or about: November 13, 2003.

Respondents' Response to Claimant's Motion to Withdraw Statement of Claim Without Prejudice filed on or about: December 2, 2003.

Claimants' Reply to Respondents' Response to Claimant's Motion to Withdraw Statement of Claim Without Prejudice filed on or about: December 3, 2003.

Respondent Mackie signed the Uniform Submission Agreement on: January 16, 2003.

Respondent Goldman signed the Uniform Submission Agreement on: January 17, 2003.

Respondent A.G. Edwards signed the Uniform Submission Agreement on: January 17, 2003.

CASE SUMMARY

Claimant alleged the following causes of action: 1) common law fraud; and 2) violations of Section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5. The causes of action relate to investments in various shares of stock including Cisco Systems.

Unless specifically admitted in their Answer, Respondents denied the allegations made in the Amended Statement of Claim and asserted various defenses.

RELIEF REQUESTED

Claimant requested: 1) compensatory damages for the full amount of the losses suffered by Claimant; 2) punitive damages; 3) interest; and 4) such other relief the undersigned arbitrators (the "Panel") deemed just and proper.

Respondents requested: 1) dismissal of the Statement of Claim in its entirety; 2) expungement of all reference to the above captioned arbitration from Respondents Mackie's and Goldman's registration records maintained by the NASD Central Registration Depository ("CRD"); 3) costs; and 4) attorneys' fees.

OTHER ISSUES CONSIDERED AND DECIDED

On or about June 16, 2003, the Panel denied Respondents' motion to dismiss.

On or about December 31, 2003, the Panel ordered that: 1) the Statement of Claim, as amended, is dismissed with prejudice on the condition that Respondents deliver to Claimant releases, satisfactory to Claimant, for all claims arising out of, or related to, the filing of the Claim and the matters set forth therein; 2) nothing in paragraph 1 shall affect the pending arbitration proceeding of William Gregory Barker v. A.G. Edwards & Sons, Inc. and John Mackie; 3) the Panel recommends expungement of all reference to the above-captioned arbitration proceeding from Respondents Mackie's and Goldman's registration records maintained by the NASD CRD, with the understanding that Respondents Mackie and Goldman must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive; 4) the cost of the pre-hearing conference held on December 31, 2003 shall be borne equally by the Claimant and Respondents, in each case, jointly and severally; and 5) Claimant is ordered to remit to Respondents the sum of \$750.00 towards the costs and fees incurred in the above-referenced expungement.

On or about March 10, 2004, Respondents notified NASD Dispute Resolution that the parties have complied

with the terms of the Panel's Order of December 31, 2003. Therefore, the Statement of Claim, as amended, is dismissed with prejudice.

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 Panel's Order of December 31, 2003, and Respondents' notification of the parties' compliance with the Panel's Order of December 31, 2003, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. The Statement of Claim, as amended, is dismissed with prejudice. Nothing in this paragraph shall affect the pending arbitration proceeding of William Gregory Barker v. A.G. Edwards & Sons, Inc. and John Mackie.
2. The Panel recommends expungement of all references to the above-captioned arbitration proceeding from Respondent Mackie's registration records maintained by the NASD CRD, with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondent Mackie must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.
3. The Panel recommends expungement of all references to the above-captioned arbitration proceeding from Respondent Goldman's registration records maintained by the NASD CRD, with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondent Goldman must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.
4. Any and all claims or relief not specifically addressed herein are denied.

FEES

Pursuant to the NASD Code of Arbitration Procedure (the "Code"), the following fees are assessed:

Filing Fees

NASD will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee	= \$ 250.00
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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 that employed the associated person at the time of the events giving rise to the dispute. Accordingly, Respondent A.G. Edwards is a member firm and a party.

Member surcharge	= \$1,500.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$2,200.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

There were no adjournments requested during these proceedings for which fees were assessed.

Injunctive Relief Fees

Injunctive relief fees are assessed to each member or associated person who files for a temporary injunction in court. Parties in these cases are also assessed arbitrator travel expenses and costs when an arbitrator is required to travel outside his or her hearing location and additional arbitrator honoraria for the hearing for permanent injunction. These fees, except the injunctive relief surcharge, are assessed equally against each party unless otherwise directed by the panel.

There were no injunctive relief fees assessed during these proceedings.

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:

Two (2) Pre-hearing sessions with Panel @ \$1,000.00 per session	= \$2,000.00
Pre-hearing conferences: June 16, 2003	1 session
December 31, 2003	1 session

Total Forum Fees	= \$2,000.00
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The Panel has assessed forum fees in the amount of \$1,000.00 to Claimant.

The Panel has assessed forum fees in the amount of \$1,000.00 jointly and severally to Respondents.

Administrative Costs

Administrative costs are expenses incurred due to a request by a party for special services beyond the normal administrative services. These include, but not limited to, additional copies of arbitrator awards, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

There were no administrative costs incurred during these proceedings.

Fee Summary

Claimant is solely liable for:

Initial Filing Fee	= \$ 250.00
Forum Fees	= \$1,000.00
Total Fees	= \$1,250.00
<u>Less payments</u>	<u>= \$1,250.00</u>
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent A.G. Edwards is solely liable for:

<u>Member Fees</u>	<u>= \$4,450.00</u>
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NASD Dispute Resolution

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Total Fees	= \$4,450.00
<u>Less payments</u>	<u>= \$4,450.00</u>
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondents are jointly and severally liable for:

Forum Fees	= \$1,000.00
Total Fees	= \$1,000.00
<u>Less payments</u>	<u>= \$1,000.00</u>
Balance Due NASD Dispute Resolution	= \$ 0.00

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

ARBITRATION PANEL

<i>Muriel Desloovere, Esq.</i>	-	<i>Public Arbitrator, Presiding Chairperson</i>
<i>Gordon R. Bowker</i>	-	<i>Public Arbitrator</i>
<i>Joseph I. Amonette</i>	-	<i>Non-Public Arbitrator</i>

Concurring Arbitrators' Signatures

<u> /s/ </u>	<u>March 17, 2004</u>
Muriel Desloovere, Esq.	Signature Date
Public Arbitrator, Presiding Chairperson	

<u> /s/ </u>	<u>March 18, 2004</u>
Gordon R. Bowker	Signature Date
Public Arbitrator	

<u> /s/ </u>	<u>March 18, 2004</u>
Joseph I. Amonette	Signature Date
Non-Public Arbitrator	

March 18, 2004
Date of Service (For NASD Dispute Resolution office use only)

NASD Dispute Resolution
Arbitration No. 02-05875
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Total Fees	= \$4,450.00
<u>Less payments</u>	<u>= \$4,450.00</u>
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondents are jointly and severally liable for:

Forum Fees	= \$1,000.00
Total Fees	= \$1,000.00
<u>Less payments</u>	<u>= \$1,000.00</u>
Balance Due NASD Dispute Resolution	= \$ 0.00

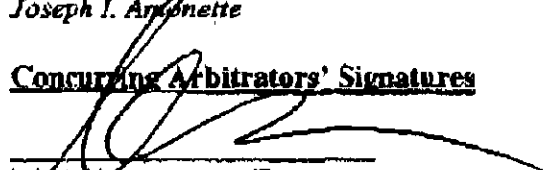
All balances are payable to NASD Dispute Resolution and are due upon receipt pursuant to Rule 10230(g) of the Code.

ARBITRATION PANEL

Muriel Desloovere, Esq.
Gordon R. Bowker
Joseph I. Amonette

Public Arbitrator, Presiding Chairperson
Public Arbitrator
Non-Public Arbitrator

Concurring Arbitrators' Signatures


Muriel Desloovere, Esq.
Public Arbitrator, Presiding Chairperson

03/17/04
Signature Date

Gordon R. Bowker
Public Arbitrator

Signature Date

Joseph I. Amonette
Non-Public Arbitrator

Signature Date

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

NASD Dispute Resolution
Arbitration No. 02-05878
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Total Fees	= \$4,450.00
<u>Less payments</u>	= \$4,450.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondents are jointly and severally liable for:

Forum Fees	= \$1,000.00
Total Fees	= \$1,000.00
<u>Less payments</u>	= \$1,000.00
Balance Due NASD Dispute Resolution	= \$ 0.00

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

ARBITRATION PANEL

Muriel Desloovere, Esq.	-	Public Arbitrator, Presiding Chairperson
Gordon R. Bowker	-	Public Arbitrator
Joseph I. Amonette	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

Muriel Desloovere, Esq.
Public Arbitrator, Presiding Chairperson


Gordon R. Bowker
Public Arbitrator

Joseph I. Amonette
Non-Public Arbitrator

Signature Date

3/18/04
Signature Date

Signature Date

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

Mar 18 2004 11:25AM

NASD

NASD Dispute Resolution
Arbitration No. 02-05878
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Total Fees	= \$4,450.00
Less payments	= \$4,450.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondents are jointly and severally liable for:

Forum Fees	= \$1,000.00
Total Fees	= \$1,000.00
Less payments	= \$1,000.00
Balance Due NASD Dispute Resolution	= \$ 0.00

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

ARBITRATION PANEL

Muriel Desloovere, Esq.
Gordon R. Bowker
Joseph I. Amonette

Public Arbitrator, Presiding Chairperson
Public Arbitrator
Non-Public Arbitrator

Concurring Arbitrators' Signatures

Muriel Desloovere, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

Gordon R. Bowker
Public Arbitrator

Signature Date

Joseph I. Amonette
Non-Public Arbitrator

Signature Date

March 18, 2004

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