

**Award
NASD Dispute Resolution**

In the Matter of the Arbitration Between:

Name of the Claimant
Dan J. Ferring

Case Number: 03-00417

Names of the Respondents
William F. Reitz
Edward D. Jones & Co.

Hearing Site: Pittsburgh, PA

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

REPRESENTATION OF PARTIES

Claimant, Dan J. Ferring, hereinafter referred to as "Claimant", was represented by J. Kipp Lukehart, Esq., Lukehart & Lundy, Punxsutawney, Pennsylvania.

Respondents, William F. Reitz ("Reitz") and Edward D. Jones & Co. ("Edward Jones"), hereinafter referred to as "Respondents", were represented by Bradford B. Lear, Esq., Greensfelder, Hemker, Gale, P.C., St. Louis, Missouri.

CASE INFORMATION

Statement of Claim filed on or about January 17, 2003.

Claimant filed an undated Uniform Submission Agreement on or about January 17, 2003 and filed a revised Uniform Submission Agreement on March 8, 2004.

Statement of Answer filed by Respondents on or about March 12, 2003.

Respondent Reitz signed the Uniform Submission Agreement on February 10, 2003.

CASE SUMMARY

Claimant asserted the following cause of action: failure to execute an order to sell MCI/World Com, Inc. stock.

Unless specifically admitted in their Answer, Respondents denied the allegations made in the Statement of Claim and asserted the following defenses, among others: failure to mitigate; contributory/comparative negligence; ratification; waiver; estoppel; and, assumption of the risk.

RELIEF REQUESTED

Claimant requested:

Compensatory Damages	\$ 67,901.40
Attorneys' Fees	\$150.00 per hour
Interest	6% per annum from April 19, 2002 until date of Arbitrators' decision

Respondents requested that the Statement of Claim be dismissed with prejudice, and for such other and further relief as the Arbitration Panel (the "Panel") deems just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

Respondent Edward Jones did not file with NASD Dispute Resolution a properly executed submission to arbitration but is required to submit to arbitration pursuant to the Code and, having answered the claim, appeared and testified at the hearing, is bound by the determination of the Panel on all issues submitted.

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. Edward Jones is liable to and shall pay to Claimant the sum of \$67,901.40 in compensatory damages with simple interest at a rate of six percent (6%) per annum from April 19, 2002 until the date the award is paid in full;
2. Edward Jones is liable to and shall pay to Claimant the sum of \$225.00 as reimbursement for the claim filing fee;
3. The parties shall bear their respective costs, including attorneys' fees, except as Fees are specifically addressed below; and,
4. Any and all relief not specifically addressed herein is denied in its entirety.

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	= \$ 225.00
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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, Edward Jones is a party.

Member surcharge	= \$ 1,100.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$ 1,700.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

December 2-3, 2003, adjournment requested by Respondent Reitz waived

Forum Fees and Assessments

The Arbitration Panel has assessed forum fees for each session conducted. A 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 @ \$ 750.00	= \$ 750.00
Pre-hearing conference: September 10, 2003 1 session	

Two (2) Hearing sessions @ \$ 750.00	= \$ 1,500.00
Hearing Date: February 11, 2004 2 sessions	

Total Forum Fees	= \$ 2,200.00
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The Arbitration Panel has assessed \$ 2,250.00 of the forum fees to Edward Jones

Fee Summary

1. Claimant is assessed and shall pay:

<u>Initial Filing Fee</u>	= \$ 225.00
<u>Total Fees</u>	= \$ 225.00
<u>Less payments</u>	= \$ 975.00
Refund owed Claimant By NASD Dispute Resolution	= \$ 750.00

2. Respondent Edward Jones is assessed and shall pay:

Member Fees	= \$3,550.00
Forum Fees	= \$2,250.00
<u>Total Fees</u>	= \$5,800.00
<u>Less payments</u>	= \$3,550.00
Balance Due NASD Dispute Resolution	= \$2,250.00

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

ARBITRATION PANEL

Michael R. Stabile, Jr., Esq.	-	Public Arbitrator, Presiding Chairperson
Donald J. Gilbert	-	Public Arbitrator, Panelist
N. John Marinack	-	Non-Public Arbitrator, Panelist

Concurring Arbitrators' Signatures

Michael R. Stabile, Jr.
Michael R. Stabile, Jr., Esq.
Public Arbitrator, Presiding Chairperson

3-9-04
Signature Date

Donald J. Gilbert
Donald J. Gilbert
Public Arbitrator, Panelist

Signature Date

N. John Marinack
N. John Marinack
Non-Public Arbitrator, Panelist

Signature Date

March 9, 2004
Date of Service (For NASD Dispute Resolution office use only)

NASD Dispute Resolution
Arbitration No. 03-00417
Award Page 4

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