

**Award**  
**NASD Dispute Resolution**

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In the Matter of the Arbitration Between:

Julie Hueth (Claimant) v. A.G. Edwards & Sons, Inc. and James W. Ireland (Respondents)

Case Number: 03-01046

Hearing Site: New York, New York

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

**REPRESENTATION OF PARTIES**

Claimant Julie Hueth ("Hueth") hereinafter referred to as "Claimant": Chad N. Cagan, Esq., Sonnenblick, Parker & Selvers, P.C., Freehold, NJ.

Respondents A.G. Edwards & Sons, Inc. ("AGE") and James W. Ireland ("Ireland") hereinafter collectively referred to as "Respondents": Joel E. Davidson, Esq., Davidson & Grannum, LLP, Northvale, NJ. Previously represented by: Phyllis A. Hartrich, Esq., A.G. Edwards & Sons, Inc., St. Louis, MO.

**CASE INFORMATION**

Statement of Claim filed on or about: February 10, 2003.

Claimant signed the Uniform Submission Agreement.

Joint Statement of Answer filed by Respondents on or about: April 15, 2003.

Respondent AGE signed the Uniform Submission Agreement: May 14, 2003.

Respondent Ireland signed the Uniform Submission Agreement: April 24, 2003.

**CASE SUMMARY**

Claimant asserted the following causes of action: unsuitability; breach of fiduciary duty; fraud and misrepresentation; securities law and self-regulatory organization rule violations; violation of the New Jersey Securities Act; negligence; breach of contract; respondeat superior; control person liability; aiding and abetting; and failure to supervise. The causes of action relate to unspecified securities.

Unless specifically admitted in their Answer, Respondents denied the allegations made in the Statement of Claim.

### RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$375,000.00; market-adjusted damages; punitive damages; pre-judgment and post-judgment interest at the maximum rate allowed by law; attorneys' fees and costs; and such other relief as the Panel may deem equitable, just, and necessary.

Respondents requested that all of Claimant's claims be dismissed in their entirety; costs; and attorneys' fees.

### OTHER ISSUES CONSIDERED AND DECIDED

During the hearings Respondents made a Motion to Dismiss all claims; after due consideration, the Panel denied the Motion.

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.

### AWARD

After considering the pleadings, and 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. Respondent AGE is solely liable for and shall pay to Claimant compensatory damages in the amount of \$25,000.00, plus interest at the rate of 5% per annum from September 30, 2000 through the date of payment of the award.
2. Respondent AGE is solely liable for and shall pay to NASD \$500.00 for sanctions for failure to timely disclose or produce relevant or requested documents.
3. Claimant is liable for and shall pay to NASD \$500.00 for sanctions for failure to timely disclose or produce relevant or requested documents.
4. 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

= \$300.00

### 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.

Member surcharge	= \$1,700.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$2,750.00

### Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

March 4-5, 2004, adjournment by Claimant	= Waived
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### 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 @ \$1,125.00 = \$ 2,250.00

Pre-hearing conferences: September 2, 2003 1 session  
March 5, 2004 1 session

Nine (9) Hearing sessions @ \$1,125.00 = \$10,125.00

Hearing Dates: November 15, 2004 2 sessions  
November 16, 2004 2 sessions  
November 17, 2004 2 sessions  
November 18, 2004 1 session  
January 6, 2005 2 sessions

**Total Forum Fees = \$12,375.00**

1. The Panel has assessed \$12,375.00 of the forum fees solely against Respondent AGE.

### Fee Summary

1. Claimant is solely liable for:

Initial Filing Fee	= \$ 300.00
Total Fees	= \$ 300.00
Less payments	= \$ 1,425.00
Refund Due Claimant	= \$ 1,125.00

2. Respondent AGE is solely liable for:

Member Fees	= \$ 5,200.00
Forum Fees	= \$12,375.00
Total Fees	= \$17,575.00
Less payments	= \$ 5,200.00
Balance Due NASD Dispute Resolution	= \$12,375.00

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


NASD Dispute Resolution  
Arbitration No. 03-01046  
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**ARBITRATION PANEL**

Richard B. Ancowitz, Esq.	-	Public Arbitrator, Presiding Chairperson
William C. Bieluch, Jr., Esq.	-	Public Arbitrator
Judith C. Greene	-	Non-Public Arbitrator

**Concurring Arbitrators' Signatures**

I, the undersigned arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument which is my award.

  
Richard B. Ancowitz, Esq.  
Public Arbitrator, Presiding Chairperson

1/24/05  
Signature Date

William C. Bieluch, Jr., Esq.  
Public Arbitrator

Signature Date

Judith C. Greene  
Non-Public Arbitrator

Signature Date

January 25, 2005  
Date of Service (For NASD Dispute Resolution use only)

**ARBITRATION PANEL**

Richard B. Ancowitz, Esq.  
William C. Bieluch, Jr., Esq.  
Judith C. Greene

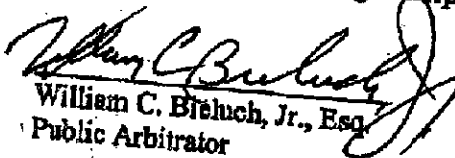
- Public Arbitrator, Presiding Chairperson  
- Public Arbitrator  
- Non-Public Arbitrator

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Signature Date

  
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