
Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant
Anita I. Christiansen Rollover IRA

Case Number: 03-02902

Names of the Respondents
A.G. Edwards & Sons, Inc.
Keith Trott

Hearing Site: Tampa, Florida

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

REPRESENTATION OF PARTIES

For Anita I. Christiansen Rollover IRA, hereinafter referred to as "Claimant": Richard R. Logsdon, Esq., The Law Offices of Richard R. Logsdon, P.A., Clearwater, Florida.

For A.G. Edwards & Sons, Inc. ("A.G. Edwards") and Keith Trott ("Trott"), hereinafter collectively referred to as "Respondents": Jeffrey W. Coverdell, Litigation Counsel, A.G. Edwards, St. Louis, Missouri.

CASE INFORMATION

Statement of Claim filed on or about: April 15, 2003.

Claimant signed but did not date the Uniform Submission Agreement.

Statement of Answer and Motion for More Definite Statement filed by Respondents on or about: June 20, 2003.

Respondent A.G. Edwards signed the Uniform Submission Agreement: June 20, 2003.

Respondent Trott signed the Uniform Submission Agreement: May 28, 2003.

CASE SUMMARY

Claimant alleged the following causes of action: 1) unsuitability; 2) deceptive practices and omissions; and 3) violation of the Florida Securities and Investor Protection Act. The causes of action relate to the purchase of a Manulife Financial Variable Annuity.

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

RELIEF REQUESTED

Claimant requested: 1) compensatory damages in the amount of at least \$169,386.10 for losses; 2) other compensatory damages in the amount of \$4,338.01 for surrender charges; 3) rescission; 3) costs; 4) a statement in the award that Claimant is the prevailing party for violation of Section 517.301, Florida Statutes, and for damages pursuant to Section 517.211(4), Florida Statutes; 5) reasonable attorneys' fees to be awarded by a court of competent jurisdiction pursuant to Section 517.211(6), Florida Statutes, in a post-award action to confirm the award and to award attorneys' fees; 6) cost of the \$1,425.00 filing fee paid to NASD and all forum fees advanced; 7) additional punitive damages over and above the compensatory damages in the amount to be determined by the Panel; and 8) such other relief the Panel deemed just and proper.

Respondents requested: 1) dismissal, with prejudice, of the Statement of Claim in its entirety; 2) assessment of costs against Claimant; 3) expungement of all reference to the above captioned arbitration from Respondent Trott's registration records maintained by the NASD Central Registration Depository ("CRD"); and 4) such other relief the Panel deemed just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

On or about June 23, 2004, Respondents filed their notice of settlement. Respondents informed NASD Dispute Resolution that the parties had reached a mutual settlement of the above-captioned matter.

On or about June 24, 2004, Claimant filed her notice of settlement. Claimant informed NASD Dispute Resolution that the parties had reached a mutual settlement of the above-captioned matter.

On or about July 1, 2004, the parties filed their Joint Motion for Waiver of Adjournment Fees. On or about July 14, 2004, the Panel: 1) denied, without prejudice, the motion; and 2) granted leave to file a renewed motion if the parties would submit their Stipulated Award by July 26, 2004.

On or about July 21, 2004, the parties filed their Joint Motion to Approve Stipulated Award with proposed Stipulated Award. On or about August 4, 2004, the Panel granted the motion and waived the adjournment fee of \$1,125.00.

The parties agreed that the Stipulated Award in this matter may be executed in counterpart copies or that a handwritten, signed Stipulated Award may be entered.

AWARD

After considering the pleadings and the Panel's Order of August 4, 2004, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. The parties have entered into a confidential settlement agreement.
2. The Claimant has dismissed all claims with prejudice against Respondents.
3. The Panel recommends expungement of all references to the above-captioned arbitration proceeding

from Respondent Trott's registration records maintained by the NASD CRD, with the understanding that pursuant to NASD Notice to Members 99-09 and 99-54, Respondent Trott must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

4. All other requests for relief are hereby 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 = \$ 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, Respondent A.G. Edwards is a member firm and 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:

On or about June 24, 2004, Claimant filed a notice of settlement and motion to adjourn the evidentiary hearing scheduled for June 29 – July 1, 2004. On or about June 24, 2004, the Panel: 1) granted the motion; 2) adjourned the evidentiary hearing; 3) ordered the evidentiary hearing rescheduled in the event the parties did not file a Stipulated Award within 30 days; and 4) assessed the total adjournment fee of \$1,125.00 in the amount of \$562.50 to Claimant and \$562.50 jointly and severally to Respondents.

On or about July 21, 2004, the parties filed their Joint Motion to Approve Stipulated Award with proposed Stipulated Award. On or about August 4, 2004, the Panel granted the motion and waived the adjournment fee of \$1,125.00.

Three-Day Cancellation Fees

Fees apply when a hearing on the merits is postponed or settled within three business days before the start of a scheduled hearing session:

There were no three-day cancellation fees assessed during these proceedings.

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:

One (1) Pre-hearing session with Panel @ \$1,125.00 per session	= \$1,125.00
Pre-hearing conference: November 6, 2003 1 session	
<hr/> Total Forum Fees	<hr/> = \$1,125.00

The Panel has assessed forum fees in the amount of \$562.50 to Claimant.

The Panel has assessed forum fees in the amount of \$562.50 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	= \$ 300.00
<u>Forum Fees</u>	<u>= \$ 562.50</u>
Total Fees	= \$ 862.50
<u>Less payments</u>	<u>= \$ 862.50</u>
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent A.G. Edwards is solely liable for:

<u>Member Fees</u>	<u>= \$5,200.00</u>
Total Fees	= \$5,200.00
<u>Less payments</u>	<u>= \$5,200.00</u>
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondents are jointly and severally liable for:

<u>Forum Fees</u>	<u>= \$ 562.50</u>
Total Fees	= \$ 562.50
<u>Less payments</u>	<u>= \$ 0.00</u>

Balance Due NASD Dispute Resolution

= \$ 562.50

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

ARBITRATION PANEL

<i>David M. Snyder, Esq.</i>	-	<i>Public Arbitrator, Presiding Chairperson</i>
<i>James Barry Wright</i>	-	<i>Public Arbitrator</i>
<i>Ronald H. Walton</i>	-	<i>Non-Public Arbitrator</i>

Concurring Arbitrators' Signatures

_____/s/_____
David M. Snyder
Public Arbitrator, Presiding Chairperson

November 22, 2004
Signature Date

_____/s/_____
James Barry Wright
Public Arbitrator

November 22, 2004
Signature Date

_____/s/_____
Ronald H. Walton
Non-Public Arbitrator

November 29, 2004
Signature Date

December 1, 2004
Date of Service (For NASD Dispute Resolution office use only)

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ARBITRATION PANEL

David M. Snyder, Esq.

Public Arbitrator, Presiding Chairperson

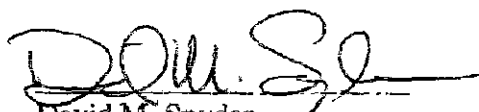
James Barry Wright

Public Arbitrator

Ronald H. Walton

Non-Public Arbitrator

Concurring Arbitrators' Signatures



David M. Snyder

Public Arbitrator, Presiding Chairperson

11/22/04
Signature Date

James Barry Wright

Public Arbitrator

Signature Date

Ronald H. Walton

Non-Public Arbitrator

Signature Date

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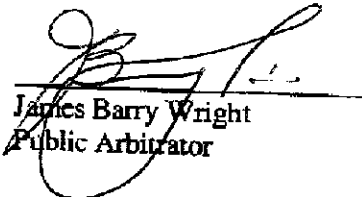
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James Barry Wright
Ronald H. Walton

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

Concurring Arbitrators' Signatures

David M. Snyder
Public Arbitrator, Presiding Chairperson

Signature Date



James Barry Wright
Public Arbitrator



Signature Date

Ronald H. Walton
Non-Public Arbitrator

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David M. Snyder, Esq.

James Barry Wright

Ronald H. Walton

Public Arbitrator, Presiding Chairperson

Public Arbitrator

Non-Public Arbitrator

Concurring Arbitrators' Signatures

David M. Snyder

Public Arbitrator, Presiding Chairperson

Signature Date

James Barry Wright

Public Arbitrator

Signature Date


Ronald H. Walton

Non-Public Arbitrator

11-29-04

Signature Date

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