

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimants

Frederick and Dorothy Myers

Case Number: 03-03537

Name of the Respondents

American Express Financial Advisors, Inc.
Thomas Robbins

Hearing Site: Philadelphia, PA

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

REPRESENTATION OF PARTIES

Claimants, Frederick and Dorothy Meyers, hereinafter collectively referred to as "Claimants", were represented by Alan L. Frank, Esq., Frank & Rosen, Elkins Park, Pennsylvania.

Respondents, American Express Financial Advisors, Inc. ("AEFA") and Thomas Robbins ("Robbins"), hereinafter collectively referred to as "Respondents", were represented by David T. Gurnes, Esq., Fox Rothschild, LLP, Philadelphia, Pennsylvania.

CASE INFORMATION

Statement of Claim filed on May 13, 2003.

Claimant Frederick Myers signed the Uniform Submission Agreement on May 5, 2003.

Claimant Dorothy Myers signed the Uniform Submission Agreement on May 7, 2003.

Statement of Answer filed by Respondents on July 15, 2003.

A representative of Respondent AEFA submitted an undated, executed Uniform Submission Agreement.

Respondent Robbins signed the Uniform Submission Agreement on June 13, 2003.

CASE SUMMARY

Claimants asserted the following causes of action, among others: violations of Section 10(b) of the Securities Exchange Act of 1934 and Rule 10b-5 Promulgated thereunder, violations of Sections 401 – 404 of the Pennsylvania Securities Act of 1972, violations of the Pennsylvania Unfair Trade Practices Act and Consumer Protection Law, breach of contract, breach of fiduciary duty, failure to supervise, and *respondeat superior*. The causes of action relate to the purchase of unspecified common stock, corporate bonds, mutual funds, and equity funds.

Unless specifically admitted in their Answer, Respondents denied the allegations made in the Statement of Claim and asserted the following defenses: failure to state a claim upon which relief may be granted; Respondents did not act with intent to defraud Claimants; any alleged

damages were not caused by an act or omission of Respondents; ratification; Respondents fully and faithfully performed all duties owed to Claimants; Claimants' claims are barred by the applicable statutes of limitations; Claimants claims are barred by the doctrines of laches, waiver and/or estoppel; contributory negligence; failure to mitigate damages; and, authorization.

RELIEF REQUESTED

Claimants in their Statement of Claim requested:

Compensatory Damages	\$ 65,000
Punitive Damages	\$ 195,000
Attorneys' Fees	amount unspecified
Other Costs	amount unspecified
Other Monetary/Non-Monetary Relief if any:	amount unspecified

Respondents in their Statement of Answer requested an award in their favor and against Claimants, together with such other relief as the arbitrators deem just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

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

1. Respondent AEFA shall pay Claimants compensatory damages in the amount of \$45,079.00;
2. Respondent AEFA shall reimburse Claimants \$300.00 for the cost of filing fees;
3. All claims for punitive damages and attorney's fees are denied in their entirety;
4. All claims against Respondent Robbins are denied in their entirety;
5. The parties shall bear their respective costs, including attorney's fees, except as Fees are specifically addressed below; and,
6. 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 = \$ 300.00

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firms that employed the associated person(s) at the time of the events giving rise to the dispute. Accordingly, Respondent AEFA is a party.

Member surcharge	= \$ 1,700.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$ 2,750.00
Total Member Fees	= \$ 5,200.00

Forum Fees and Assessments

The Panel has assessed forum fees for each session conducted. A session is any meeting between the parties and the 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 @ \$ 1,125.00	= \$ 1,125.00
Pre-hearing conference: November 24, 2003	1 session
Five (5) Hearing sessions @ \$ 1,125.00	= \$ 5,625.00
Hearing Dates: April 13, 2004	2 sessions
April 14, 2004	2 sessions
April 15, 2004	1 session
Total Forum Fees	= \$ 6,750.00

The Panel has assessed \$ 6,750.00 of the forum fees to Respondent AEFA.

FEE SUMMARY

1. Claimants, Frederick and Dorothy Meyers, are assessed and shall pay the following fees:

Initial Filing Fee	= \$ 300.00
Total Fees	= \$ 300.00
Less payments	= \$ 1,425.00
Refund owed to Claimants	= \$ 1,125.00

2. Respondent, AEFA, is assessed and shall pay the following fees:

Member Fees	= \$ 5,200.00
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<u>Forum Fees</u>	<u>= \$ 6,750.00</u>
<u>Total Fees</u>	<u>= \$ 11,950.00</u>
<u>Less payments</u>	<u>= \$ 5,200.00</u>
<u>Balance Due NASD Dispute Resolution</u>	<u>= \$ 6,750.00</u>

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

ARBITRATION PANEL

James A. Jennings, Esq.	-	Public Arbitrator, Presiding Chairperson
Evelyn Boss Cogan, J.D.	-	Public Arbitrator, Panelist
Richard A. Purkiss	-	Non-Public Arbitrator, Panelist

Concurring Arbitrators' Signatures

James A. Jennings, Esq.
James A. Jennings, Esq.
Public Arbitrator, Presiding Chairperson

April 27, 2004
Signature Date

Mervyn Boss Cogan, J.D.
Public Arbitrator, Panelist

Signature Date

Richard A. Purkiss
Non-Public Arbitrator, Panelist

Signature Date

May 3, 2004
Date of Service (For NASD Dispute Resolution office use only)

Concurring Arbitrators' Signatures

James A. Jennings, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

Evelyn Boss Cogan
Evelyn Boss Cogan, J.D.
Public Arbitrator, Panelist

4/27/04
Signature Date

Richard A. Purkiss
Non-Public Arbitrator, Panelist

Signature Date

May 3, 2004
Date of Service (For NASD Dispute Resolution office use only)

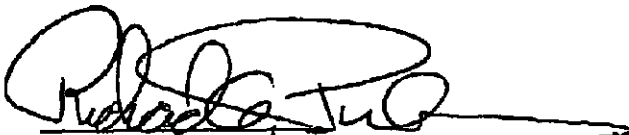
Concurring Arbitrators' Signatures

James A. Jennings, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

Evelyn Boss Cogan, J.D.
Public Arbitrator, Panelist

Signature Date



Richard A. Purkiss
Non-Public Arbitrator, Panelist

5/3/04

Signature Date

May 3, 2004

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