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

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In the Matter of the Arbitration Between:

Names of the Claimants

Catherine Cox  
Joseph Del Campo

Case Number: 03-05690

Names of the Respondents

Edward Jones & Co.  
Bruce Kallor

Hearing Site: Boca Raton, Florida

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

**REPRESENTATION OF PARTIES**

For Catherine Cox and Joseph Del Campo, hereinafter collectively referred to as "Claimants": Marc S. Gottlieb, Esq., New York, New York.

For Edward Jones & Co. ("Edward Jones") and Bruce Kallor ("Kallor"), hereinafter collectively referred to as "Respondents": Jennifer A. Briner, Esq., Greensfelder, Hemker & Gale, P.C., St. Louis, Missouri.

**CASE INFORMATION**

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

Claimants signed the Uniform Submission Agreement: July 17, 2003.

Statement of Answer filed by Respondents on or about: November 3, 2003.

Respondent Edward Jones signed the Uniform Submission Agreement: August 18, 2003.

Respondent Kallor signed the Uniform Submission Agreement: November 24, 2003.

**CASE SUMMARY**

Claimants asserted the following causes of action: 1) unsuitability; 2) breach of fiduciary duty; and 3) failure to supervise. The causes of action relate to the purchase and sale of various stocks and mutual funds in Claimants' accounts, including, but not limited to, MCI Worldcom, Cisco, Walt Disney, Van Kampen Technology Fund and Federated International Small Co.

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

**RELIEF REQUESTED**

Claimant Cox requested compensatory damages in the amount of \$50,976.00, interest from April 2002, costs, disbursements and attorney's fees. Claimant Del Campo requested compensatory damages in the amount of

\$47,967.00, interest from April 2002, costs, disbursements and attorney's fees.

Respondents requested that the Statement of Claim be dismissed.

### **OTHER ISSUES CONSIDERED AND DECIDED**

During the final hearing for this matter, Respondents presented a Motion to Dismiss. The Panel denied this motion. In addition, Claimants made an ore tenus motion requesting that the Panel take judicial notice of the Missouri case against Respondent Edward Jones. The Panel granted this motion.

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

### **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:

Respondent Edward Jones is found liable and shall pay compensatory damages to Claimant Cox in the amount of \$14,383.79 and to Claimant Del Campo in the amount of \$13,621.19, interest specifically excluded.

The Panel finds Respondent Kallor not liable and recommends the expungement of all references to the above captioned arbitration from Respondent Kallor's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondent Kallor must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

Any and all claims for relief not specifically addressed herein, including Claimants' request for attorney's fees, are denied.

### **FEES**

Pursuant to the NASD Code of Arbitration Procedure (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, Respondent Edward Jones is a party to this dispute and was a member of NASD at the time the following fees were assessed:

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

Hearing process fee = \$1,700.00

**Adjournment Fees**

No requests for adjournments were filed in this matter.

**Injunctive Relief Fees**

No injunctive relief fees were incurred during this proceeding.

**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 the Panel @ \$750.00 = \$ 750.00

Pre-hearing conference: January 27, 2004 1 session

Four (4) Hearing sessions with the Panel @ \$750.00 = \$3,000.00

Hearing Dates: May 19, 2004 2 sessions

May 20, 2004 2 sessions

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Total Forum Fees = \$3,750.00

The Panel has assessed \$1,875.00 of the forum fees jointly and severally to Claimants.

The Panel has assessed \$1,875.00 of the forum fees to Respondent Edward Jones.

**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.

No administrative costs were incurred during this proceeding.

**Fee Summary**

Claimants are jointly and severally liable for:

Initial Filing Fee = \$ 225.00

Forum Fees = \$ 1,875.00

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Total Fees = \$ 2,100.00

Less payments = \$ 975.00

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Balance Due NASD Dispute Resolution = \$ 1,125.00

Respondent Edward Jones is solely liable for:

Member Fees = \$ 3,550.00

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Forum Fees = \$ 1,875.00

Total Fees	= \$ 5,425.00
<u>Less payments</u>	<u>= \$ 3,550.00</u>
Balance Due NASD Dispute Resolution	= \$ 1,875.00

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

ARBITRATION PANEL

<i>Randy R. Freedman, Esq.</i>	-	<i>Public Arbitrator, Presiding Chairperson</i>
<i>Thomas A. Tucker Ronzetti, Esq.</i>	-	<i>Public Arbitrator</i>
<i>Gustavus L. Pearthree</i>	-	<i>Non-Public Arbitrator</i>

Concurring Arbitrators' Signatures

/s/  
Randy R. Freedman, Esq.  
Public Arbitrator, Presiding Chairperson

05/21/04  
Signature Date

/s/  
Thomas A. Tucker Ronzetti, Esq.  
Public Arbitrator

05/21/04  
Signature Date

/s/  
Gustavus L. Pearthree  
Non-Public Arbitrator

05/24/04  
Signature Date

05/24/04  
Date of Service (For NASD Dispute Resolution office use only)

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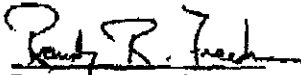
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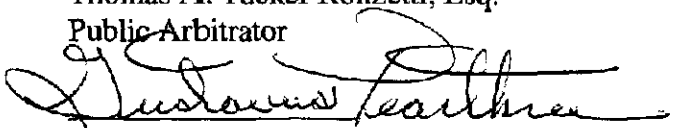
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