

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 03-05843

Thomas W. Christian Rollover IRA and Kathleen D. Christian IRA, Claimants v. A.G. Edwards & Sons, Inc. and Jerry Duncan, Respondents.

ATTORNEYS:

For Claimants, Thomas W. Christian Rollover IRA and Kathleen D. Christian IRA, ("Claimants"), appeared Jeffrey S. Salisbury, Eugene, OR.

Respondents, A.G. Edwards & Sons, Inc. and Jerry Duncan, ("Respondents"), appeared through their in-house counsel, James C. Browning, Jr., Esq., St. Louis, MO.

NATURE OF DISPUTE: Customers v. Member and Associated Person

DATE FILED: August 11, 2003

CASE SUMMARY: Claimants alleged that Respondents were negligent, breached their fiduciary duty, and violated Oregon State Blue Sky Laws. Claimants additionally alleged that Respondent A.G. Edwards and Sons, Inc. are liable for the actions of its representative, Respondent Jerry Duncan, under the doctrine of respondeat superior. Claimants' claim involves mutual funds and variable annuities. Claimants maintained that due to Respondents' actions, the corporation suffered financial losses.

Claim Data

Claim: \$22,227.00
Attorney Fees: \$4,963.95
Filing Fees: \$425.00
Other: \$221.95

Award Data

Award: \$.00
Attorney Fees: \$.00
Filing Fees: \$.00
Other: \$.00

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) The claims of Claimants are dismissed in their entirety. 2) All requests for attorney fees are denied. 3) All other relief requests are denied. 4) NASD Dispute Resolution shall retain the \$425.00 filing fee that the Claimants deposited previously.

OTHER FEES: Pursuant to Rule 10333 of the Code, Respondent A.G. Edwards & Sons Inc. has paid to NASD Dispute Resolution the \$425.00 Member Surcharge previously invoiced.

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Bert P. Krages, II

Sole Public Arbitrator

AFFIRMATION

I, Bert P. Krages, II, do hereby affirm, upon my oath as arbitrator that I am the individual described herein who executed this instrument, which is my oath and award.

Bert P. Krages, II

Bert P. Krages, II

January 13, 2004

Signature Date

January 27, 2004

Date of Service (For NASD-DR office use only)