
Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant
Raymon Williams

Case Number: 03-06329

Names of the Respondents
Trustmark Financial Services
John Q. Bolls
Thomas Howard

Hearing Site: New Orleans, LA

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

REPRESENTATION OF PARTIES

For Raymon Williams, hereinafter referred to as "Claimant": Maureen G. Cajoux, Esq., Hooper & Weiss, L.L.C., Orlando, FL.

For Trustmark Financial Services ("TFS"), John Q. Bolls ("Bolls") and Thomas Howard ("Howard"), hereinafter collectively referred to as "Respondents": George Fair, Esq., Watkins & Eager, Jackson, MS.

CASE INFORMATION

Statement of Claim filed on or about: September 2, 2003.

Claimant signed the Uniform Submission Agreement: May 16, 2003.

Statement of Answer filed by Respondents on or about: November 24, 2003.

Respondent TFS signed the Uniform Submission Agreement: November 21, 2003.

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

Respondent Howard signed the Uniform Submission Agreement: November 21, 2003.

CASE SUMMARY

Claimant alleged various causes of action against Respondents in connection with certain transactions in Claimant's brokerage account with Respondent TFS. The causes of action relate to the purchase of Alliance Premier Growth, Alliance Technology Fund, and Van Kampen Prime Rate mutual funds and MCI WorldCom, Tyco, AOL, Lucent, and Dell stock in Claimant's account.

Respondents each denied the allegations in the Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

Claimant requested compensatory damages of \$136,596.94, punitive damages of \$273,193.88, attorneys' fees, costs, and any other remedy the undersigned arbitrators (the "Panel") deemed

just and equitable.

Respondents requested dismissal of the Statement of Claim, with prejudice, that costs and forum fees be assessed to Claimant, costs, attorneys' fees, expungement, and such other relief as the Panel deemed just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

On or about June 9, 2004, the parties filed a Joint Motion for Entry of Stipulated Award (Joint Motion") wherein the parties requested the entry of a stipulated award as follows: 1) that all claims and requests for relief of Claimant be dismissed in their entirety, with prejudice; 2) that the parties shall bear their own filing and member fees, attorneys' fees and expenses incurred in this matter; and, 3) that the Panel recommend the expungement of all records of the complaint contained in the Statement of Claim and in this arbitration proceeding from the NASD Central Registration Depository ("CRD") records of Respondents. This Panel has found that the Joint Motion is well taken and should be approved.

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 Joint Motion, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimant's claims against the Respondents are dismissed, with prejudice, in their entirety.
2. The parties shall bear their own filing and member fees, attorneys' fees and expenses incurred in this matter. Forum fees shall be divided equally between Claimant and Respondent TFS.
3. The Panel recommends the expungement of all references to the above-captioned arbitration and the complaint asserted therein from Respondents TFS, Bolls, and Howard's registration records maintained by the NASD CRD, with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondents must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

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 = \$ 300.00

Member Fees

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

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

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

No requests for adjournments were granted during these proceedings for which fees were assessed.

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.

No injunctive relief fees were 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 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 the Panel @ \$1,125.00	= \$1,125.00
Pre-hearing conference: March 9, 2004 1 session	

Total Forum Fees	= \$1,125.00
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The Panel has assessed \$562.50 of the forum fees to Claimant.

The Panel has assessed \$562.50 of the forum fees to Respondent TFS.

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

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 TFS is solely liable for:

Member Fees	= \$ 5,200.00
<u>Forum Fees</u>	= \$ 562.50
Total Fees	= \$ 5,762.50
<u>Less payments</u>	= \$ 5,200.00
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

Bruce V. Schewe	-	Public Arbitrator, Presiding Chairperson
Jason G. Ourso, Esq.	-	Public Arbitrator
William R. Hanlein	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

/s/
Bruce V. Schewe
Public Arbitrator, Presiding Chairperson

Signature Date

/s/
Jason G. Ourso, Esq.
Public Arbitrator

Signature Date

/s/
William R. Hanlein
Non-Public Arbitrator

Signature Date

August 26, 2004
Date of Service (For NASD Dispute Resolution office use only)

Respondent TFS is solely liable for:

Member Fees	= \$ 5,200.00
Forum Fees	= \$ 562.50
Total Fees	= \$ 5,762.50
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Bruce V. Schewe
 Bruce V. Schewe
 Public Arbitrator, Presiding Chairperson

8/25/04
 Signature Date

Jason G. Ourso, Esq.
 Jason G. Ourso, Esq.
 Public Arbitrator

Signature Date

William R. Hanlein
 William R. Hanlein
 Non-Public Arbitrator

Signature Date

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Bruce V. Schewe
Public Arbitrator, Presiding Chairperson

Signature Date



Jason G. Corso, Esq.
Public Arbitrator

8/26/04

Signature Date

William R. Hanlein
Non-Public Arbitrator

Signature Date_____
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Respondent TFS is solely liable for:

Member Fees	= \$ 5,200.00
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Public Arbitrator, Presiding Chairperson

Signature Date

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Public Arbitrator

Signature Date

William R. Hanlein

William R. Hanlein
Non-Public Arbitrator

8/25/04

Signature Date

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