

**PACIFIC EXCHANGE, INC.  
115 Sansome Street  
San Francisco, CA 94104**

**In The Matter Of The Arbitration Between:**

**Gall Bliss Allen,**

**Claimant,**

**v.**

**A.G. Edwards & Sons, Inc.,**

**Respondent.**

**PCX CASE #: 03-S002**

**DECISION**

The undersigned Arbitrators, having read and considered the Claim submitted by Claimant on October 13, 2003 and the Answer of Respondent, and having considered evidence presented at hearings on January 27 and 28, 2005, hereby render the following Decision pursuant to Rule 12 of the Pacific Exchange:

**REPRESENTATION OF PARTIES**

**Of Claimant: William P. Tornngren, Esq.**

**Of Respondent: William S. Port, Esq.**

**SUMMARY OF FACTS**

Claimant alleged that Respondent, with whom Claimant had trust and IRA accounts, made investment recommendations and effected investment transactions that were not suitable for Claimant. Respondent alleged that the investment recommendations and transactions made on Claimant's behalf were suitable.

**ISSUES PRESENTED**

**Whether Respondent is liable in damages to Claimant for breach of fiduciary duty, negligence, and breach of contract.**

**RELIEF REQUESTED**

Claimant requested an award of monetary damages, preaward interest, attorney's fees, and forum fees. Respondent requested the dismissal of Claimant's claim in its entirety and an award of its costs and attorney's fees.

## DECISION

After considering the argument and evidence of both the Claimant and Respondent in this matter, the undersigned Arbitrators make the final determination and decision of the issues presented, as set forth below:

1. Claimant is awarded and is entitled to recover from Respondent monetary damages of \$33,812 and interest on such award at the rate of 7 percent per annum from July 2, 2002 to the date of the award.

2. Respondent shall reimburse Claimant's non-refundable filing fee of \$200.

3. Claimant shall be assessed and shall pay forum and hearing fees of \$1125. Respondent shall be assessed and shall pay forum and hearing fees of \$1125.

4. All other costs, including attorney's fees, shall be borne by the party incurring such costs.

Dated: 2/22/05



Peter Wercinski, Chair

Dated: \_\_\_\_\_

Amy Seltzer, Public Arbitrator

Dated: \_\_\_\_\_

Bradley Mitchell, Industry Arbitrator

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## DECISION

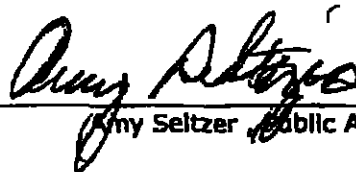
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Bradley Mitchell, Industry Arbitrator