

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant

Cordial Family Limited Partnership

Case Number: 04-00070

Names of the Respondents

Janney Montgomery Scott LLC
Lance McCoy

Hearing Site: Pittsburgh, Pennsylvania

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

REPRESENTATION OF PARTIES

Claimant, Cordial Family Limited Partnership, hereinafter referred to as "Claimant", was represented by Scott A. Lane, Esq., Edgar Snyder & Associates, Pittsburgh, Pennsylvania.

Respondents, Janney Montgomery Scott LLC ("Janney") and Lance McCoy ("McCoy"), hereinafter collectively referred to as "Respondents", were represented by Foster S. Goldman, Esq., Markel, Shafer & Goldman P.C., Pittsburgh, Pennsylvania.

CASE INFORMATION

Statement of Claim filed on December 31, 2003.

A representative of Claimant executed the Uniform Submission Agreement on November 17, 2003.

Response and Affirmative Defenses filed by Respondents on February 19, 2004.

A representative of Respondent Janney executed the Uniform Submission Agreement on February 19, 2004.

Respondent McCoy signed the Uniform Submission Agreement on February 4, 2004.

CASE SUMMARY

Claimant in its Statement of Claim asserted the following causes of action, among others: failure to supervise, negligence, unsuitability, over-concentration, breach of contract, violations of the Pennsylvania Unfair Trade Practices and Consumer Protection Laws, violations of the Pennsylvania Securities Act, and breach of fiduciary duty. The causes of action relate to the purchase and sale of various securities, including but not limited to: American Intl Group, Inc., Applied Materials, Inc., Brocade Communications Systems, Inc., Cacheflow, Inc., Ciena Corp., Cisco Systems, Inc., Citigroup, Inc., Digex, Inc., DEL CLA, EMC Corp. Mass, Exodus Commns, Inc., Foundry Networks, Inc., Intel Corp., JDS Uniphase Corp., Linear Technology Corp., MBNA Corp., Maxim Integrated Prods, Inc., Medtronic, Inc., Merck & Co., Inc., Microsoft

Corp., Morgan Stanley Dean Witter & Co., Network Appliance, Inc., PMC-Sierra, Inc., Pfizer Incorporated, and Xilinx, Inc.

Unless specifically admitted in their Response and Affirmative Defenses, Respondents denied the allegations made in the Statement of Claim and asserted the following defenses, among others: failure to state a claim upon which relief may be granted; Claimant's claims are barred by the doctrines of ratification, estoppel, waiver and laches; failure to mitigate damages; assumption of risk; Claimant's claims are barred by the applicable statutes of limitations; and waiver.

RELIEF REQUESTED

Claimant in its Statement of Claim requested:

Compensatory Damages	\$ 1,460,326.00
Interest	amount unspecified
Attorneys' Fees	amount unspecified

Respondents in their Response and Affirmative Defenses requested the dismissal of all claims against them and that costs and forum fees be assessed against Claimant.

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. Claimant's claims are denied in their entirety;
2. All claims for attorneys' fees are denied in their entirety;
3. The parties shall bear their respective costs, including attorneys' fees, except as Fees are specifically addressed below; and
4. 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 = \$ 500.00

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 Janney is a party.

Member surcharge	= \$ 2,800.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$ 5,000.00
Total Member Fees	= \$ 8,550.00

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 @ \$ 1,200 = \$ 1,200.00

Pre-hearing conference: June 2, 2004 1 session

Six (6) Hearing sessions @ \$ 1,200 = \$ 7,200.00

Hearing Dates:	February 8, 2005	2 sessions
	February 9, 2005	2 sessions
	February 10, 2005	2 sessions

Total Forum Fees = \$ 8,400.00

1. The Panel has assessed \$ 4,200.00 of the forum fees to Claimant.

2. The Panel has assessed \$ 4,200.00 of the forum fees jointly and severally to Respondents.

EEE SUMMARY

Claimant is assessed and shall pay:

Initial Filing Fee	= \$ 500.00
Forum Fees	= \$ 4,200.00
Total Fees	= \$ 4,700.00
Less payments	= \$ 1,700.00
Balance Due NASD Dispute Resolution	= \$ 3,000.00

Respondent, Janney, is assessed and shall pay:

Member Fees	= \$ 8,550.00
Total Fees	= \$ 8,550.00
Less payments	= \$ 8,550.00
Balance Due NASD Dispute Resolution	= \$ 00.00

Respondents, Janney and McCoy, are jointly and severally assessed and shall pay:

Forum Fees	= \$ 4,200.00
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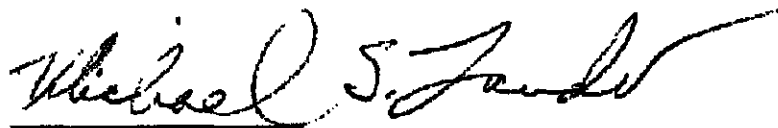
Total Fees	= \$ 4,200.00
<u>Less payments</u>	<u>= \$ 00.00</u>
Balance Due NASD Dispute Resolution	= \$ 4,200.00

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

ARBITRATION PANEL

Michael S. Lando, Esq.	-	Public Arbitrator, Presiding Chairperson
Joseph Decker, Esq.	-	Public Arbitrator, Panelist
Timothy Shay Davis	-	Non-Public Arbitrator, Panelist

Concurring Arbitrators' Signatures



Michael S. Lando, Esq.
Public Arbitrator, Presiding Chairperson

2/17/05

Signature Date

Joseph Decker, Esq.
Public Arbitrator, Panelist

Signature Date

Timothy Shay Davis
Non-Public Arbitrator, Panelist

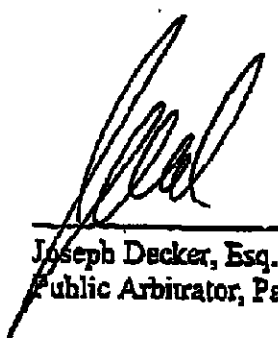
Signature Date

February 18, 2005
Date of Service (For NASD Dispute Resolution office use only)

Concurring Arbitrators' Signatures

Michael S. Lando, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date



Joseph Decker, Esq.
Public Arbitrator, Panelist

2/5/05

Signature Date

Timothy Shay Davis
Non-Public Arbitrator, Panelist

Signature Date

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Arbitration No. 04-00070

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Michael S. Lando, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

Joseph Decker, Esq.
Public Arbitrator, Panelist

Signature Date



Timothy Shay Davis
Non-Public Arbitrator, Panelist

2-15-05

Signature Date

February 18, 2005

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