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

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In the Matter of the Arbitration Between:

Name of the Claimant  
Raymond James Financial Services, Inc.

Case Number: 04-01517

Name of the Respondent  
Barry Corker

Hearing Site: Atlanta, Georgia

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Nature of the Dispute: Member vs. Associated Person.

**REPRESENTATION OF PARTIES**

For Raymond James Financial Services, Inc., hereinafter referred to as "Claimant": Leslie A. Reese, Assistant Corporate Counsel, Raymond James Financial Services, Inc., St. Petersburg, Florida.

Barry Corker, hereinafter referred to as "Respondent", did not appear.

**CASE INFORMATION**

Statement of Claim filed on or about: March 5, 2004.

Claimant signed the Uniform Submission Agreement: March 3, 2004.

Respondent did not file a Statement of Answer or executed Uniform Submission Agreement.

Affidavit of Costs filed by Claimant on or about August 6, 2004.

**CASE SUMMARY**

Claimant asserted a claim for breach of contract. The cause of action relates to Respondent's former employment by Claimant and the Independent Sales Associate Agreement ("Agreement") dated August 9, 1999 executed by the parties.

**RELIEF REQUESTED**

Claimant requested compensatory damages in the amount of \$584,511.42, plus interest, costs and attorney's fees.

**OTHER ISSUES CONSIDERED AND DECIDED**

Respondent did not submit any pleadings, documents, statements or otherwise appear in this matter. By letter dated June 14, 2004, Claimant opted to proceed against Respondent pursuant to Rule 10314(e) of the NASD Code of Arbitration Procedure (the "Code"). The Arbitrator determined that Respondent was properly served notice of the Statement of Claim and notification of the Arbitrator, and that Respondent is required to submit to arbitration pursuant to the Code and is bound by the determinations of the Arbitrator on all issues submitted.

### **AWARD**

After considering the pleadings, the Affidavit of Costs and the record in this matter, the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

Respondent is liable on the claim of breach of contract and shall pay to Claimant compensatory damages in the amount of \$584,511.42, plus interest at the rate of 6% from July 22, 2004 to the date of payment of the Award.

Respondent is liable and shall pay to Claimant costs in the amount of \$2,023.40 pursuant to the Agreement.

Respondent is liable and shall pay to Claimant attorney's fees in the amount of \$1,233.00 pursuant to the Agreement.

Any and all claims for relief not specifically addressed herein are denied.

### **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:

Filing fee	= \$1,550.00
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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. In this matter, the member firm Raymond James Financial Services, Inc. is a party.

Member surcharge	= \$2,250.00
Pre-hearing process fee	= \$ 750.00

#### **Adjournment Fees**

Adjournments granted during these proceedings for which fees were assessed:

No requests for adjournments were filed in this matter.

#### **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 incurred in this matter.

**Forum Fees and Assessments**

The Arbitrator has assessed forum fees for each session conducted. A session is any meeting between the parties and the arbitrator, including a pre-hearing conference with the arbitrator, that lasts four (4) hours or less. Fees associated with these proceedings are:

No forum fees were incurred in this matter.

**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 are 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 in this matter.

**Fee Summary**

Claimant is solely liable for:

Filing Fee	= \$ 1,550.00
Member Fees	= \$ 3,000.00
Total Fees	= \$ 4,550.00
Less payments	= \$ 4,550.00
Balance Due NASD Dispute Resolution	= \$ 0.00

**ARBITRATOR**

M. Bruce Adelberg - Non-Public Arbitrator, Presiding Chairperson

**Arbitrator's Signature**

/s/

08/06/04

M. Bruce Adelberg  
Non-Public Arbitrator, Presiding Chairperson

Signature Date

08/09/04

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

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Arbitration No. 04-01517  
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**ARBITRATOR**

M. Bruce Adelberg

Non-Public Arbitrator, Presiding Chairperson

**Arbitrator's Signature**

*M. Bruce Adelberg*  
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Non-Public Arbitrator, Presiding Chairperson

*8/6/04*  
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