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

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In the Matter of the Arbitration Between:

Name of the Claimant  
Morgan Keegan & Company, Inc.

Case Number: 04-01562

Name of the Respondent  
Scott John Egan

Hearing Site: Boca Raton, Florida

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Nature of the Dispute: Member vs. Associated Person.

**REPRESENTATION OF PARTIES**

For Morgan Keegan & Company, Inc. ('Morgan Keegan'), hereinafter referred to as "Claimant":  
Shea O'Brien Hicks, Esq., Morgan Keegan, Memphis, Tennessee.

Scott John Egan ("Egan"), hereinafter referred to as "Respondent", appeared pro se.

**CASE INFORMATION**

Statement of Claim filed on or about: March 8, 2004.

Claimant signed the Uniform Submission Agreement: March 5, 2004.

Respondent did not file an Answer or a Uniform Submission Agreement.

Motion for Default Judgment filed by Claimant on or about: December 7, 2004.

**CASE SUMMARY**

Claimant asserted the cause of action of breach of contract. The cause of action relates to Respondent's failure to repay the balance due on a promissory note after Respondent's employment with Claimant terminated.

**RELIEF REQUESTED**

Claimant requested compensatory damages in the amount of \$29,632.08; interest at a rate of ten percent (10%) from the inception of the note until paid in full; reasonable attorneys' fees and costs; and, such additional and further relief as the Panel deemed just and appropriate.

### **OTHER ISSUES CONSIDERED AND DECIDED**

Respondent did not file with NASD Dispute Resolution a properly executed Uniform Submission Agreement but is required to submit to arbitration pursuant to the NASD Code of Arbitration Procedure (the "Code") and having appeared and testified at the hearing is bound by the determination of the Panel on all issues submitted.

During the evidentiary hearing conducted on March 7, 2005, the Panel denied Claimant's Motion for Default Judgment.

The parties 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 and the testimony and evidence presented at the hearing, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

Respondent is liable for breach of contract. Respondent shall pay to Claimant the sum of \$36,691.97, which represents compensatory damages and interest.

Claimant's request for attorneys' fees and travel costs is granted. Pursuant to the terms of the promissory note, Respondent shall reimburse Claimant for its attorneys' fees in the amount of \$5,000.00 and travel costs in the amount of \$1,973.00.

Respondent is liable and shall pay to Claimant the sum of \$1,000.00 representing reimbursement of the claim filing fee previously paid by Claimant to NASD Dispute Resolution.

Any and all relief not specifically addressed herein, is 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:

Initial claim filing fee	= \$1,000.00
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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. Accordingly, Claimant Morgan Keegan is a member firm and a party.

Member surcharge	= \$ 600.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$1,000.00
Total Member Fees	= \$2,350.00

**Adjournment Fees**

Adjournments granted during these proceedings for which fees were assessed:

No adjournment fees were incurred in this matter.

**Three-Day Cancellation Fees**

Fees apply when a hearing on the merits is postponed or settled within three business days before the start of a scheduled hearing session:

No three-day cancellation fees were incurred 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 Panel has assessed forum fees for each session conducted. A session is any meeting between the parties and the arbitrators, including a pre-hearing conference with the arbitrators, that lasts four (4) hours or less. Fees associated with these proceedings are:

Two (2) Pre-hearing sessions with Panel @ \$600.00/session = \$1,200.00

Pre-hearing conferences:    December 1, 2004    1 session  
   January 7, 2005    1 session

One (1) Hearing session @ \$600.00/session = \$ 600.00

Hearing Date:                    March 7, 2005                    1 session

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Total Forum Fees = \$1,800.00

The Panel assessed the total forum fees of \$1,800.00 to Respondent.

**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 in this matter.

**Fee Summary**

Claimant is solely liable for:

Initial Filing Fee = \$1,000.00

Member Fees = \$2,350.00

Total Fees	= \$3,350.00
<u>Less payments</u>	<u>= \$2,950.00</u>
Balance Due NASD Dispute Resolution	= \$ 400.00

Respondent is solely liable for:

<u>Forum Fees</u>	<u>= \$1,800.00</u>
Total Fees	= \$1,800.00
<u>Less payments</u>	<u>= \$ 0.00</u>
Balance Due NASD Dispute Resolution	= \$1,800.00

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

**ARBITRATION PANEL**

Joseph J. Slotnik	-	Non-Public Arbitrator, Presiding Chairperson
Morton D. Siegel	-	Non-Public Arbitrator
Harry Dressler	-	Non-Public Arbitrator

**Concurring Arbitrators' Signatures**

/s/  
Joseph J. Slotnik  
Non-Public Arbitrator, Presiding Chairperson

March 10, 2005  
Signature Date

/s/  
Morton D. Siegel  
Non-Public Arbitrator

March 10, 2005  
Signature Date

/s/  
Harry Dressler  
Non-Public Arbitrator

March 10, 2005  
Signature Date

March 10, 2005  
Date of Service (For NASD Dispute Resolution office use only)

NASD Dispute Resolution  
Arbitration No. 04-01562  
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Total Fees	= \$3,350.00
<u>Less payments</u>	<u>= \$2,950.00</u>
Balance Due NASD Dispute Resolution	= \$ 400.00

Respondent is solely liable for:

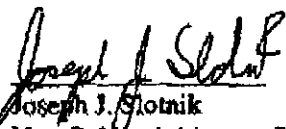
Forum Fees	= \$1,800.00
Total Fees	= \$1,800.00
<u>Less payments</u>	<u>= \$ 0.00</u>
Balance Due NASD Dispute Resolution	= \$1,800.00

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**Concurring Arbitrators' Signatures**

  
Joseph J. Slotnik  
Non-Public Arbitrator, Presiding Chairperson

3/10/05  
Signature Date

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Morton D. Siegel  
Non-Public Arbitrator

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Harry Dressler  
Non-Public Arbitrator

\_\_\_\_\_  
Signature Date

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Less payments	= \$2,950.00
Balance Due NASD Dispute Resolution	= \$ 400.00

Respondent is solely liable for:

Forum Fees	= \$1,800.00
Total Fees	= \$1,800.00
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$1,800.00

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3/10/05  
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Harry Dressler  
Non-Public Arbitrator

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Less payments  
Balance Due NASD Dispute Resolution = \$2,950.00  
= \$ 400.00

Respondent is solely liable for:

Forum Fees  
Total Fees = \$1,800.00  
Less payments = \$1,800.00  
Balance Due NASD Dispute Resolution = \$ 0.00  
= \$1,800.00

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

**ARBITRATION PANEL**

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Morton D. Siegel  
Harry Dressler

Non-Public Arbitrator, Presiding Chairperson  
Non-Public Arbitrator  
Non-Public Arbitrator

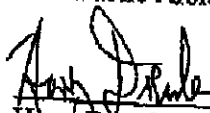
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