
Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant
Edith R. Thomas

Case Number: 04-01936

Names of the Respondents
Edward Jones and Doug Shaw, Jr.

Hearing Site: Atlanta, Georgia

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

REPRESENTATION OF PARTIES

For Edith R. Thomas, hereinafter referred to as "Claimant": William J. Gladden, Esq., Savannah, Georgia.

For Edward Jones ("Edward Jones") and Doug Shaw, Jr. ("Shaw"), hereinafter collectively referred to as "Respondents": E. Linwood Gunn, IV, Esq., Brock, Clay, Calhoun, Wilson & Rogers, P.C., Marietta, Georgia.

CASE INFORMATION

Statement of Claim filed on or about: March 22, 2004.

Claimant signed the Uniform Submission Agreement: March 16, 2004.

Statement of Answer filed by Respondents on or about: May 21, 2004.

Respondent Shaw signed the Uniform Submission Agreement: May 10, 2004.

Respondent Edward Jones signed the Uniform Submission Agreement: March 29, 2004.

CASE SUMMARY

Claimant asserted the following causes of action: unauthorized trading; fraud and/or deceit; breach of fiduciary duty under Georgia law; common law conversion; unsuitability; and, breach of duty of fair dealing. The causes of action relate to the purchase and sale of various securities products in Claimant's account including, but not limited to: Charter Communications, Inc.; Boeing Co.; Calpine Corp.; Home Depot, Inc.; Pfizer, Inc.; AOL Time Warner, Inc.; Cendant Corp.; Doubleclick, Inc.; EMC Corp.; JDS Uniphase Corp.; Oracle Corp.; Siebel Systems, Inc.; Spring Corp.; and, Sun Microsystems, Inc.

Unless specifically admitted in their Answer, Respondents denied the allegations made in the Statement of Claim and asserted various defenses.

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$80,241.42, pre-judgment interest pursuant to the Georgia Securities Act in the amount of \$11,627.00, punitive damages in the amount of \$160,482.84, plus costs and attorney's fees.

Respondents requested dismissal of Claimant's claims in their entirety, an award of costs and attorney's fees and any other relief deemed just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

The parties have agreed that the Award in this matter may be executed in counterpart copies.

AWARD

After considering the pleadings, 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 Edward Jones is liable on the claim of unsuitability (lack of appropriate processes and controls) and shall pay to Claimant compensatory damages in the amount of \$22,357.89, plus interest at the rate of 7% per annum from the date the Award is served until the date the check sent in payment of the Award is postmarked.

Each party to bear its own costs and attorneys' fees.

Any and all claims for relief not specifically addressed herein, including Claimant's request for punitive damages, are denied.

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
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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 Edward Jones is a party.

Member surcharge	= \$1,700.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$2,750.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

No requests for adjournments were granted 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:

One (1) Pre-hearing session with a single arbitrator @ \$450.00 = \$ 450.00
Pre-hearing conference: October 28, 2004 1 session

Two (2) Pre-hearing sessions with the Panel @ \$1,125.00	= \$2,250.00
Pre-hearing conferences: August 24, 2004	1 session
October 1, 2004	1 session

Six (6) Hearing sessions @ \$1,125.00	= \$6,750.00
Hearing Dates: November 30, 2004	3 sessions
December 1, 2004	3 sessions

Total Forum Fees	= \$9,450.00
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The Panel has assessed \$4,725.00 of the forum fees to Claimant.

The Panel has assessed \$4,725.00 of the forum fees to Respondent Edward Jones.

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:

Initial Filing Fee = \$ 300.00

<u>Forum Fees</u>	= \$ 4,725.00
<u>Total Fees</u>	= \$ 5,025.00
<u>Less payments</u>	= \$ 1,425.00
Balance Due NASD Dispute Resolution	= \$ 3,600.00

Respondent Edward Jones is solely liable for:

Member Fees	= \$ 5,200.00
<u>Forum Fees</u>	= \$ 4,725.00
<u>Total Fees</u>	= \$ 9,925.00
<u>Less payments</u>	= \$ 5,200.00
Balance Due NASD Dispute Resolution	= \$ 4,725.00

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

ARBITRATION PANEL

W. William Harness, Esq.	-	Public Arbitrator, Presiding Chairperson
Joe E. Manuel, Esq.	-	Public Arbitrator
Reid P. Conklin	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

/s/	12/02/04
<u>W. William Harness, Esq.</u> Public Arbitrator, Presiding Chairperson	<u>Signature Date</u>
/s/	12/06/04
<u>Joe E. Manuel, Esq.</u> Public Arbitrator	<u>Signature Date</u>
/s/	12/02/04
<u>Reid P. Conklin</u> Non-Public Arbitrator	<u>Signature Date</u>

12/06/04

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

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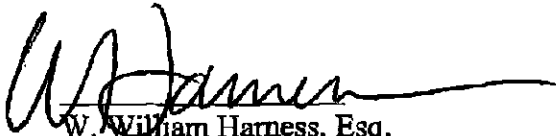
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