

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Morgan Keegan & Company, Inc. (Claimant) v. Austin Moore (Respondent)

Case Number: 04-02331

Hearing Site: Cleveland, Ohio

Nature of the Dispute: Member vs. Customer.

REPRESENTATION OF PARTIES

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

Respondent Austin Moore hereinafter referred to as "Respondent": Harold E. Farling, Esq., Kovach & Farling Co., LPA, Cleveland, OH.

CASE INFORMATION

Statement of Claim filed on or about: April 2, 2004.

Claimant signed the Uniform Submission Agreement: April 2, 2004.

Statement of Answer filed by Respondent on or about: February 9, 2005.

Respondent signed the Uniform Submission Agreement: February 28, 2005.

CASE SUMMARY

Claimant asserted the following cause of action: breach of contract. The causes of action do not relate to any securities or products.

Unless specifically admitted in his Answer, Respondent denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$93,933.71; interest; costs; attorneys' fees; and such additional and further relief as may be deemed just and appropriate.

Respondent requested that the Statement of Claim be dismissed with prejudice; that the Forbearance Agreement be rescinded; and that Respondent be awarded the amounts he

mistakenly paid to Claimant (\$7,726.00); costs; attorneys' fees; and such other relief as the Panel deems just and proper.

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, 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:

1. Respondent is liable for and shall pay to Claimant compensatory damages in the amount of \$93,933.71, plus interest at the rate of 10% per annum from the date of the award through the date of payment of the award. In addition, Claimant may retain the \$9,726.00 in interest previously paid by Respondent.
2. Respondent's Counterclaim is denied in its entirety.
3. 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
Counterclaim/Cross claim/Third Party Claim filing fee	= \$ 75.00

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, Morgan Keegan & Co., Inc. is a party.

Member surcharge	= \$1,100.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$1,700.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

February 1-2, 2005, adjournment by Respondent	= \$ 250.00
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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:

Claimant is assessed Forum Fees as follows:

One (1) Pre-hearing session with a single arbitrator @ \$450.00 = \$ 450.00
Pre-hearing conference: April 19, 2005 1 session

Two (2) Pre-hearing sessions with Panel @ \$750.00 = \$1,500.00
Pre-hearing conferences: August 16, 2004 1 session
February 2, 2005 1 session

Two (2) Hearing sessions @ \$750.00 = \$1,500.00
Hearing Date: May 17, 2005 2 sessions

Total Forum Fees = \$3,450.00

Respondent is assessed Forum Fees as follows (pursuant to Rule 10332(c)):

One (1) Pre-hearing session with a single arbitrator @ \$250.00 = \$ 250.00
Pre-hearing conference: April 19, 2005 1 session

Two (2) Pre-hearing sessions with Panel @ \$250.00 = \$ 500.00
Pre-hearing conferences: August 16, 2004 1 session
February 2, 2005 1 session

Two (2) Hearing sessions @ \$250.00 = \$ 500.00
Hearing Date: May 17, 2005 2 sessions

Total Forum Fees = \$1,250.00

1. The Panel has assessed \$1,725.00 of the forum fees against Claimant.
2. Pursuant to Rule 10332(c) of the Code of Arbitration Procedure, the Panel has assessed \$625.00 of the forum fees against Respondent.

Fee Summary

1. Claimant is solely liable for:

Initial Filing Fee	= \$1,000.00
Member Fees	= \$3,550.00
Forum Fees	= \$1,725.00
Total Fees	= \$6,275.00
Less payments	= \$5,300.00
Balance Due NASD Dispute Resolution	= \$ 975.00

2. Respondent is solely liable for:

Counterclaim Filing Fee	= \$ 75.00
Adjournment Fee	= \$ 250.00
Forum Fees	= \$ 625.00

Total Fees	= \$ 950.00
<u>Less payments</u>	<u>= \$ 0.00</u>
Balance Due NASD Dispute Resolution	= \$ 950.00

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

ARBITRATION PANEL

James A. Laurenson, Esq.	-	Public Arbitrator, Presiding Chairperson
Richard M. Spector, Esq.	-	Public Arbitrator
Bert Cliff	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

I, the undersigned arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument which is my award.

James A. Laurenson, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

Richard M. Spector, Esq.
Public Arbitrator

Signature Date


Bert Cliff
Non-Public Arbitrator

5-23-05
Signature Date

June 1, 2005
Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL

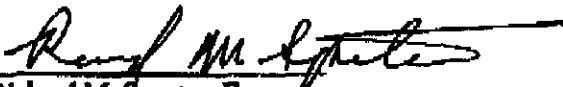
James A. Laurensen, Esq.	-	Public Arbitrator, Presiding Chairperson
Richard M. Spector, Esq.	-	Public Arbitrator
Bert Cliff	-	Non-Public Arbitrator

Consenting Arbitrators' Signatures

I, the undersigned arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument which is my award.

James A. Laurensen, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date



Richard M. Spector, Esq.
Public Arbitrator

May 25, 2005

Signature Date

Bert Cliff
Non-Public Arbitrator

Signature Date

June 1, 2005

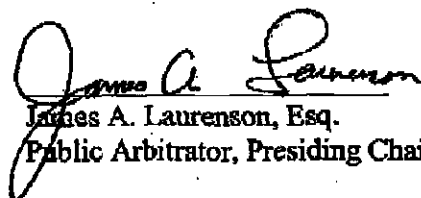
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James A. Laurenson, Esq.
Public Arbitrator, Presiding Chairperson

May 25, 2005
Signature Date

Richard M. Spector, Esq.
Public Arbitrator

Signature Date

Bert Cliff
Non-Public Arbitrator

Signature Date

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