
Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Names of the Claimants
Kenneth and Shirley Gann

Case Number: 04-02464

Names of the Respondent
Ronald J. Bateh

Hearing Site: Atlanta, Georgia

Nature of the Dispute: Customer vs. Associated Person.

REPRESENTATION OF PARTIES

For Kenneth and Shirley Gann, hereinafter collectively referred to as "Claimants": Robert H. McKnight, Esq. and Andrea M. Muller, Esq., Berman, Fink, Vanhorn, P.C., Atlanta, Georgia.

Ronald J. Bateh, hereinafter referred to as "Respondent", appeared pro se.

CASE INFORMATION

Statement of Claim filed on or about: April 7, 2004.

Claimants signed the Uniform Submission Agreement: March 30, 2004.

Statement of Answer filed by Respondent on or about: June 4, 2004.

Respondent signed the Uniform Submission Agreement: June 16, 2004.

CASE SUMMARY

Claimants asserted the following causes of action: securities violations and breach of contract; violation of NASD Conduct Rules Section 2310; violation of O.C.G.A. § 10-5-12 (a) (1) and (2); misrepresentation; and, breach of fiduciary duty. The causes of action relate to the purchase and sale of shares of MESA Air Group, Inc., Sames Corp., and other unspecified securities in Claimants' account at A.G. Edwards & Sons, Inc.

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

RELIEF REQUESTED

Claimants requested compensatory damages in an amount no less than \$201,873.58, plus interest at the legal rate from January 1, 2000, punitive damages in an amount no less than \$201,873.58, attorneys' fees, costs and such other and further relief the arbitration panel deemed just and proper.

Respondent did not specifically delineate a relief request.

OTHER ISSUES CONSIDERED AND DECIDED

On or about November 30, 2004, Claimants notified NASD Dispute Resolution that this matter had settled.

On or about March 9, 2005, the parties submitted a proposed Consent Award with a joint request that the Panel enter a Stipulated Award memorializing the parties' agreement therein.

On or about March 18, 2005, the Panel issued an Order granting the parties' Joint Motion For Entry of Consent Award.

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

AWARD

After considering the pleadings, the proposed Consent Award, the record in this matter and pursuant to the parties' stipulations in the Consent Award, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

Respondent is liable and shall pay to Claimants the sum of \$10,500.00 payable over a three-year period of time.

Respondent's failure to make payment in full within 30 days of the entry of this Stipulated Award will not be a cause for sanctions by NASD against Respondent, unless Claimants notify NASD Dispute Resolution that Respondent is in default on the payment schedule agreed upon between the parties.

Any and all claims for relief not specifically addressed herein, 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 A.G. Edwards & Sons, Inc. is the firm that employed the associated person at the time of the events giving rise to the dispute.

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 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:

One (1) Pre-hearing session with the Panel @ \$1,125.00	= \$1,125.00
Pre-hearing conference: September 15, 2004 1 session	

Total Forum Fees	= \$1,125.00
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The Panel has assessed \$562.00 of the forum fees jointly and severally to Claimants.

The Panel has assessed \$562.00 of the forum fees 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 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

Claimants are jointly and severally liable for:

Initial Filing Fee	= \$ 300.00
<u>Forum Fees</u>	= \$ 562.50
Total Fees	= \$ 862.50
<u>Less payments</u>	= \$ 862.50
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent is solely liable for:

Forum Fees	= \$ 562.50
<u>Total Fees</u>	= \$ 562.50
<u>Less payments</u>	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 562.50

A.G. Edwards & Sons, Inc. is solely liable for:

<u>Member Fees</u>	= \$5,200.00
Total Fees	= \$5,200.00
<u>Less payments</u>	= \$5,200.00
Balance Due NASD Dispute Resolution	= \$ 0.00

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

ARBITRATION PANEL

John W. Davis, Esq.	-	Public Arbitrator, Presiding Chairperson
Samuel C. Johnson	-	Public Arbitrator
Stephen B. Agricola	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

/s/

03/24/05

John W. Davis, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

/s/

03/28/05

Samuel C. Johnson
Public Arbitrator

Signature Date

/s/

03/24/05

Stephen B. Agricola
Non-Public Arbitrator

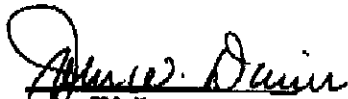
Signature Date

03/31/2005

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

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John W. Davis, Esq.
Public Arbitrator, Presiding Chairperson

3-24-05
Signature Date

Samuel C. Johnson
Public Arbitrator

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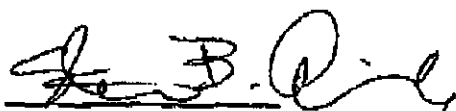
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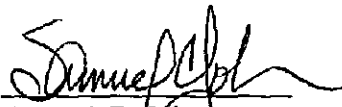
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Public Arbitrator, Presiding Chairperson

Signature Date



Samuel C. Johnson
Public Arbitrator

3-28-05

Signature Date

Stephen B. Agricola
Non-Public Arbitrator

Signature Date

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