
Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant
Margaret Harper

Case Number: 04-03541

Names of the Respondents
SouthTrust Securities, Inc.
Daniel Kincaid Taylor, Jr.

Hearing Site: Memphis, Tennessee

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

REPRESENTATION OF PARTIES

For Margaret Harper, hereinafter referred to as "Claimant": J. Timothy Francis, Esq., James L. North & Associates, Memphis, Tennessee.

For SouthTrust Securities, Inc. ("SouthTrust") and Daniel Kincaid Taylor, Jr. ("Taylor"), hereinafter collectively referred to as "Respondents": Victor L. Hayslip, Esq., Burr & Forman, LLP, Birmingham, Alabama.

CASE INFORMATION

Statement of Claim filed on or about: May 14, 2004.

Claimant signed the Uniform Submission Agreement: May 11, 2004.

Statement of Answer filed by Respondents on or about: July 8, 2004.

Respondent SouthTrust signed the Uniform Submission Agreement: June 2, 2004.

Respondent Taylor signed the Uniform Submission Agreement: August 17, 2004.

Joint Stipulation of Dismissal as to Claims Against SouthTrust Securities, Inc. and Daniel Kincaid Taylor, Jr. and Joint Motion for Expungement filed by Respondents on or about: January 5, 2006.

CASE SUMMARY

Claimant asserted the following causes of action: 1) breach of fiduciary duty; 2) fraudulent suppression/ misrepresentation; 3) conversion; 4) negligence/wantonness; and, 5) violation of the Alabama Securities Act. The causes of action relate to the sale of SouthTrust stock and the purchase of mutual fund shares.

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

RELIEF REQUESTED

Claimant requested: 1) compensatory damages in an amount of \$750,000.00; 2) punitive damages in an amount of \$250,000.00; 3) interest; 4) return on investment; 5) court costs; and, 6) attorneys' fees.

Respondents requested the following: 1) a claim for costs and arbitration fees; 2) expenses incurred in defending against the claims; and, 3) for the expungement of this matter from Respondent SouthTrust's and Respondent Taylor's NASD Central Registration Depository ("CRD") records.

OTHER ISSUES CONSIDERED AND DECIDED

Although this matter was filed with NASD Dispute Resolution on May 14, 2004, it was initiated in the Circuit Court of Lauderdale County, Alabama on or about April 30, 2003, which is before the April 12, 2004 effective date for Rule 2130 and, therefore, is to be governed by Notice to Members 99-09.

On or about December 29, 2005, NASD Dispute Resolution was advised that the parties had reached an amicable solution to this matter.

On or about January 25, 2006, the Panel approved the parties' request for a Joint Stipulation of Dismissal as to Claims Against SouthTrust Securities, Inc. and Daniel Kincaid Taylor, Jr. and Joint Motion for Expungement.

The parties have agreed that the Stipulated Award in this matter may be entered in counterpart copies or that a signed handwritten Stipulated Award may be entered.

AWARD

After considering the pleadings, the parties proposed Stipulated Award and NASD Rule 2130, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. The Parties have reached an amicable resolution in this arbitration.
2. This matter is hereby dismissed with prejudice as against Respondents SouthTrust and Taylor.
3. Each Party shall bear its own costs and expenses, including attorneys' fees, in connection with this arbitration.
4. The Panel recommends and directs the expungement of all references to the above-captioned arbitration from Respondent Taylor's registration records maintained by the CRD, with the understanding that pursuant to NASD Notice to Members 99-09,

Respondent Taylor must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

Any and all other 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 = \$ 375.00

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. Accordingly, SouthTrust is a member firm and a party.

Member surcharge	= \$2,250.00
Pre-hearing process fee	= \$ 750.00
<u>Hearing process fee</u>	<u>= \$4,000.00</u>
Total Member Fees	= \$7,000.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

There were no adjournment fees assessed during these proceedings.

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.

There were no three-day cancellation fees assessed during these proceedings.

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.

Injunctive relief fees were not assessed 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 arbitrator(s), including a pre-hearing conference with the arbitrator(s), that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with the Panel @ \$1,200.00	= \$1,200.00
Pre-hearing conference: November 8, 2004 1 session	
<hr/> Total Forum Fees	<hr/> = \$1,200.00

The Panel has assessed \$600.00 of the forum fees to Claimant.

The Panel has assessed \$600.00 of the forum fees to Respondents, jointly and severally.

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.

There were no administrative costs incurred in this matter.

Fee Summary

Claimant is solely liable for:

Initial Filing Fee	= \$ 375.00
<u>Forum Fees</u>	<u>= \$ 600.00</u>
Total Fees	= \$ 975.00
<u>Less Payments</u>	<u>= \$ 975.00</u>
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent SouthTrust is solely liable for:

<u>Member Fees</u>	<u>= \$7,000.00</u>
Total Fees	= \$7,000.00
<u>Less Payments</u>	<u>= \$7,000.00</u>
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondents are jointly and severally liable for:

<u>Forum Fees</u>	<u>= \$ 600.00</u>
Total Fees	= \$ 600.00
<u>Less Payments</u>	<u>= \$ 600.00</u>
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

William Graves Hardwick, II, JD	-	Public Arbitrator, Presiding Chairperson
Prince C. Chambliss, Jr., JD	-	Public Arbitrator
George A. Sawyer	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

/s/
William Graves Hardwick, II, JD
Public Arbitrator, Presiding Chairperson

January 26, 2006
Signature Date

/s/
Prince C. Chambliss, Jr., JD
Public Arbitrator

January 26, 2006
Signature Date

/s/
George A. Sawyer
Non-Public Arbitrator

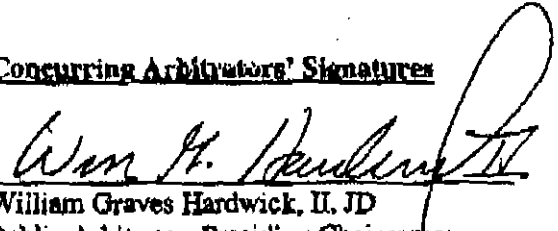
January 27, 2006
Signature Date

January 30, 2006
Date of Service (For NASD Dispute Resolution office use only)

ARBITRATOR PANEL

William Graves Hardwick, II, JD	Public Arbitrator, Presiding Chairperson
Prince C. Chambliss, Jr., JD	Public Arbitrator
George A. Sawyer	Non-Public Arbitrator

Concurring Arbitrators' Signatures



William Graves Hardwick, II, JD
Public Arbitrator, Presiding Chairperson

1/26/06

Signature Date

Prince C. Chambliss, Jr., JD
Public Arbitrator

Signature Date

George A. Sawyer
Non-Public Arbitrator

Signature Date

Date of Service (For NASD Dispute Resolution use only)


ARBITRATION PANEL

William Graves Hardwick, II, JD	-	Public Arbitrator, Presiding Chairperson
Prince C. Chambliss, Jr., JD	-	Public Arbitrator
George A. Sawyer	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

William Graves Hardwick, II, JD
Public Arbitrator, Presiding Chairperson

Signature Date



Prince C. Chambliss, Jr., JD
Public Arbitrator

January 26, 2006

Signature Date

George A. Sawyer
Non-Public Arbitrator

Signature Date

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

ARBITRATION PANEL

William Graves Hardwick, II, JD	-	Public Arbitrator, Presiding Chairperson
Prince C. Chambliss, Jr., JD	-	Public Arbitrator
George A. Sawyer	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

William Graves Hardwick, II, JD
Public Arbitrator, Presiding Chairperson

Signature Date

Prince C. Chambliss, Jr., JD
Public Arbitrator

Signature Date



George A. Sawyer
Non-Public Arbitrator

1/27/06

Signature Date

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