

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant
Phillip D. Huber

Case Number: 04-06800

Names of the Respondents
Sterne, Agee & Leach, Inc.
Sterne, Agee & Leach Group, Inc.

Hearing Site: Raleigh, North Carolina

Nature of the Dispute: Associated Person vs. Member and Non-Member.

REPRESENTATION OF PARTIES

Claimant, Phillip D. Huber, hereinafter referred to as "Claimant", was represented by Andrew O. Whiteman, Esq., Hartzell & Whiteman, LLP, Raleigh, North Carolina.

Respondents, Sterne, Agee & Leach, Inc. and Sterne, Agee & Leach Group, Inc., hereinafter collectively referred to as "Respondents", were represented by Charles M. Elmer, Esq., Haskell Slaughter Young & Rediker, LLC, Birmingham, Alabama.

CASE INFORMATION

Statement of Claim filed on September 27, 2004.

Claimant signed the Uniform Submission Agreement on September 22, 2004.

Statement of Answer filed by Respondents on November 16, 2004.

Counterclaim filed by Respondents on February 7, 2005.

A representative of Respondent Sterne, Agee & Leach, Inc. executed the Uniform Submission Agreement on November 18, 2004.

A representative of Respondent Sterne, Agee & Leach Group, Inc. executed the Uniform Submission Agreement on December 16, 2004.

Claimant filed a Reply to Respondents' Counterclaim on February 18, 2005.

CASE SUMMARY

In the Statement of Claim, Claimant asserted the following causes of action, among others: breach of contract, conversion, and violation of G.S. 95-25.1. The causes of action relate to Claimant's employment agreement with Respondents.

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

Respondents in their Counterclaim asserted a cause of action for breach of contract.

Unless specifically admitted in the Reply to the Counterclaim, Claimant denied the allegations set forth in the Counterclaim.

RELIEF REQUESTED

Claimant in the Statement of Claim requested:

Compensatory Damages	\$ 156,969.33
Attorneys' Fees	amount unspecified
Interest	amount unspecified
Other Costs	amount unspecified

Respondents in the Counterclaim requested:

Compensatory Damages	\$ 147,899.00
Interest	amount unspecified
Other Costs	amount unspecified

Claimant in the Reply to Counterclaim requested that the Counterclaim be dismissed.

OTHER ISSUES CONSIDERED AND DECIDED

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, the testimony and evidence presented at the hearing, the Arbitration Panel (the "Panel") has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondents are jointly and severally liable to and shall pay to Claimant the sum of \$102,000.00 in compensatory damages. No interest is awarded on this amount;
2. Respondents' Counterclaim is denied in its entirety;
3. The parties shall bear their respective costs, including attorneys' fees, except as Fees are specifically addressed below; and
4. Any and all relief not specifically addressed herein is denied in its entirety.

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	= \$ 300.00
Counterclaim filing fee	= \$ 1,000.00

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, Respondent Sterne Agee & Leach, Inc. is a party.

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

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 Panel @ \$ 1,125.00	= \$ 1,125.00
Pre-hearing conference: March 17, 2005 1 session	
Four (4) Hearing sessions @ \$ 1,125.00	= \$ 4,500.00
Hearing Dates: November 9, 2005 2 sessions	
November 10, 2005 2 sessions	
Total Forum Fees	= \$ 5,625.00

The Panel has assessed \$ 5,625.00 of the forum fees jointly and severally to Respondents.

Fee Summary

1. Claimant is assessed and shall pay:

Initial Filing Fee	= \$ 300.00
Total Fees	= \$ 300.00
Less payments	= \$ 1,425.00
Refund owed Claimant	= \$ 1,125.00

2. Respondent Sterne, Agee & Leach, Inc. is assessed and shall pay:

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

3. Respondents are jointly and severally assessed and shall pay:

Filing Fee	= \$ 1,000.00
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Forum Fees	= \$	5,625.00
Total Fees	= \$	6,625.00
Less payments	= \$	0.00
Balance Due NASD Dispute Resolution	= \$	6,625.00

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

ARBITRATION PANEL

James L. Davis	-	Non-Public Arbitrator, Presiding Chairperson
John D. Robb	-	Non-Public Arbitrator, Panelist
John W. Lewis	-	Non-Public Arbitrator, Panelist

Concurring Arbitrators' Signatures



James L. Davis
Non-Public Arbitrator, Presiding Chairperson

11-14-05
Signature Date

John D. Robb
Non-Public Arbitrator, Panelist

Signature Date

John W. Lewis
Non-Public Arbitrator, Panelist

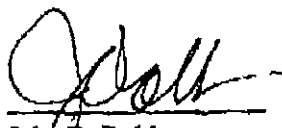
Signature Date

November 15, 2005
Date of Service (For NASD Dispute Resolution office use only)

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Non-Public Arbitrator, Presiding Chairperson

Signature Date


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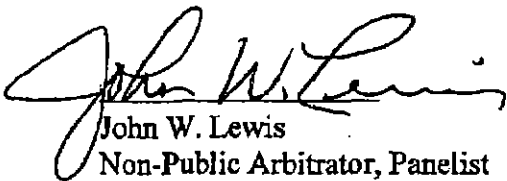
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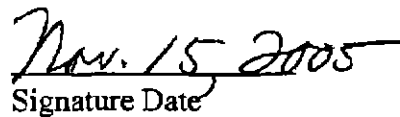
James L. Davis
Non-Public Arbitrator, Presiding Chairperson

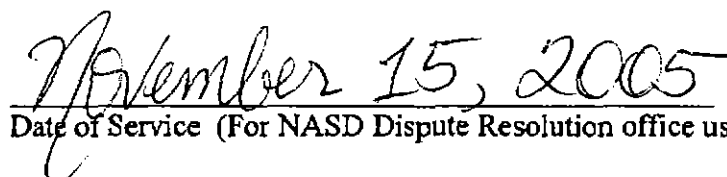
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