

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant

Case Number: 04-07080

Jeanne L. Wyrosdick, TTEE
Jeanne L. Wyrosdick Rev/Trust

Name of the Respondent

Hearing Site: Columbia, South Carolina

Edward D. Jones & Co.

Nature of the Dispute: Customer vs. Member.

REPRESENTATION OF PARTIES

Claimant, Jeanne L. Wyrosdick, TTEE, Jeanne L Wyrosdick Rev/Trust , hereinafter referred to as "Claimant", was represented by Sarah G. Anderson, Esq., Clawson & Staubes, LLC, Charleston, South Carolina.

Respondent, Edward D. Jones & Co., hereinafter referred to as "Respondent", was represented by E. Linwood Gunn, IV, Esq., Brock, Clay, Calhoun & Wilson, P.C., Marietta, Georgia.

CASE INFORMATION

Statement of Claim filed on September 27, 2004.

Claimant signed the Uniform Submission Agreement on September 27, 2004.

Motion to Dismiss, or in the Alternative, Statement of Answer filed by Respondent on January 5, 2005.

A representative of Respondent executed the Uniform Submission Agreement on October 21, 2004.

Claimant's Memorandum in Opposition to Respondent's Motion to Dismiss was filed on January 31, 2005.

Respondent's Renewed Motion to Dismiss or For Summary Determination was filed on October 7, 2005.

Claimant's Memorandum in Opposition to Respondent's Renewed Motion to Dismiss was filed on October 27, 2005.

Respondent's Reply Brief in Support of Renewed Motion to Dismiss or For Summary Determination was filed on October 28, 2005.

CASE SUMMARY

Claimant asserted the following causes of action, among others: unsuitability, violation of § 10(b) and Rule 10b-5 of the Securities Exchange Act of 1934, common law fraud, negligence

and recklessness, breach of fiduciary duty, breach of contract, *respondeat superior*, control person liability, failure to supervise, and violation of the South Carolina Securities Act. The causes of action relate to a loan between Respondent's employee, Mr. Ryan Inman, and Claimant while Claimant was a customer of Respondent.

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim and asserted the following defenses, among others: failure to state a claim upon which relief may be granted, Respondent acted with due care and in good faith, Respondent was not aware and did not authorize the transaction between Mr. Inman and Claimant, failure to mitigate, contributory negligence, and Claimant's claims have previously been settled with Respondent.

RELIEF REQUESTED

Claimant in her Statement of Claim requested:

Compensatory Damages	between \$25,000.00-\$50,000.00
Punitive Damages	amount unspecified
Interest	amount unspecified
Attorneys' Fees	amount unspecified
Other Costs	amount unspecified

Respondent in its Statement of Answer requested that the claim be dismissed, that Respondent be awarded attorney's fees and costs, and all other relief the Panel deems appropriate.

OTHER ISSUES CONSIDERED AND DECIDED

The Panel denied the Respondent's Renewed Motion to Dismiss or For Summary Determination.

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, 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 to and shall pay to Claimant compensatory damages in the amount of \$28,148.68, inclusive of margin interest;
2. Respondent is liable to and shall pay to Claimant attorney's fees in the amount of \$12,000.00, pursuant to S.C. General Statute 35-1-1490;
3. The parties shall bear their respective costs, except as Fees are specifically addressed below; and

4. Any and all relief not specifically addressed herein, including punitive damages, 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 = \$ 175.00

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firms that employed the associated person at the time of the events giving rise to the dispute. Accordingly, Respondent is a party.

Member surcharge = \$ 875.00

Pre-hearing process fee = \$ 750.00

Hearing process fee = \$1,000.00

Total Member Fees = \$2,625.00

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 a single arbitrator @ \$450.00 = \$ 450.00

Pre-hearing conference: October 14, 2005 1 session

One (1) Pre-hearing session with Panel @ \$600.00 = \$ 600.00

Pre-hearing conference: April 20, 2005 1 session

Two (2) Hearing sessions @ \$600.00 = \$1,200.00

Hearing Dates: November 1, 2005 2 sessions

Total Forum Fees = \$2,250.00

1. The Panel has assessed \$2,250.00 of the forum fees to Respondent.

FEE SUMMARY

1. Claimant is assessed and shall pay the following fees:

Initial Filing Fee = \$ 175.00

Total Fees = \$ 175.00

Less payments = \$ 775.00

Refund Owed Claimant = \$ 600.00

2. Respondent is assessed and shall pay the following fees:

Member Fees	= \$2,625.00
Forum Fees	= \$2,250.00
Total Fees	= \$4,875.00
Less payments	= \$2,625.00
Balance Due NASD Dispute Resolution	= \$2,250.00

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

ARBITRATION PANEL

Chase Boone Saunders	-	Public Arbitrator, Presiding Chairperson
Lita S. Menkin, JD	-	Public Arbitrator, Panelist
William M. Marchant, Jr.	-	Non-Public Arbitrator, Panelist

Concurring Arbitrators' Signatures



Chase Boone Saunders
Public Arbitrator, Presiding Chairperson

Nov. 21, 2005

Signature Date

Lita S. Menkin, JD
Public Arbitrator, Panelist

Signature Date

William M. Marchant, Jr.
Non-Public Arbitrator, Panelist

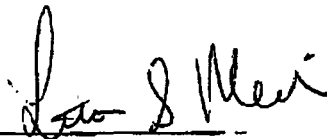
Signature Date

November 24, 2005
Date of Service (For NASD Dispute Resolution office use only)

Concurring Arbitrators' Signatures

Chase Boone Saunders
Public Arbitrator, Presiding Chairperson

Signature Date



Lita S. Menkin, JD
Public Arbitrator, Panelist



Signature Date

William M. Marchant, Jr.
Non-Public Arbitrator, Panelist

Signature Date



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

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Concurring Arbitrators' Signatures

Chase Boone Saunders
Public Arbitrator, Presiding Chairperson

Signature Date

Lita S. Menkin, JD
Public Arbitrator, Panelist

Signature Date


William M. Marchant, Jr.
Non-Public Arbitrator, Panelist

11-21-05
Signature Date

November 22, 2005
Date of Service (For NASD Dispute Resolution office use only)