

**Award**  
**NASD Dispute Resolution**

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In the Matter of the Arbitration Between:

Name of the Claimant

Case Number: 04-07868

Patricia M. Schuler, individually and  
on behalf of Patricia M. Schuler, IRA

Names of the Respondents

Hearing Site: Columbia, South Carolina

Edward D. Jones & Co.  
Jayson Wallie Jones

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

REPRESENTATION OF PARTIES

Claimant, Patricia M. Schuler, individually and on behalf of Patricia M. Schuler, IRA, hereinafter referred to as "Claimant", was represented by Sarah G. Anderson, Esq., Clawson & Staubes, LLC, Charleston, South Carolina.

Respondents, Edward D. Jones & Co. ("Edward Jones") and Jayson Wallie Jones ("Jones"), hereinafter collectively referred to as "Respondents", were represented by Wendy S. Menghini, Esq., Greensfelder, Hemker & Gale, P.C., St. Louis, Missouri.

CASE INFORMATION

Statement of Claim filed on November 9, 2004.

Claimant signed the Uniform Submission Agreement on November 5, 2004.

Statement of Answer filed by Respondents on January 7, 2005.

Respondent Jones signed the Uniform Submission Agreement on December 9, 2004.

A representative of Respondent Edward Jones executed the Uniform Submission Agreement on November 24, 2004.

CASE SUMMARY

Claimant asserted the following causes of action, among others: unsuitability, violation of §10(b) of the Securities Exchange Act of 1934 and Rule 10b-5 promulgated thereunder, 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 various securities.

Unless specifically admitted in their Answer, Respondents denied the allegations made in the Statement of Claim and asserted the following defenses, among others: statute of limitations, Claimant authorized all transactions, waiver, release, ratification, contributory or comparative

negligence, failure to mitigate, there is no private cause of action for violation of NASD or NYSE rules, and Respondent Edward Jones had adequate supervisory mechanisms in place.

RELIEF REQUESTED

Claimant in her Statement of Claim requested:

Compensatory Damages	\$100,000.00-\$500,000.00
Punitive Damages	amount unspecified
Interest	amount unspecified
Attorneys' Fees	amount unspecified
Other Costs	amount unspecified

Respondents in their Statement of Answer requested that the Statement of Claim be dismissed.

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, 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. All claims against Respondents are denied in their entirety;
2. The parties shall bear their respective costs, including attorneys' fees, except as Fees are specifically addressed below; and
3. 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 = \$ 300.00

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(s) at the time of the events giving rise to the dispute. Accordingly, Respondent Edward Jones is a party.

Member surcharge = \$ 1,700.00

Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$ 2,700.00
Total Member Fees	= \$ 5,200.00

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:

Ten (10) Hearing sessions @ \$1,125.00 = \$11,250.00

Hearing Dates:	December 7, 2005	2 sessions
	December 8, 2005	2 sessions
	December 9, 2005	2 sessions
	January 5, 2006	2 sessions
	January 6, 2006	2 sessions

Total Forum Fees	= \$11,250.00
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1. The Panel has assessed \$5,625.00 of the forum fees to Claimant.
2. The Panel has assessed \$5,625.00 of the forum fees to Respondent Edward Jones.

FEE SUMMARY

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

Initial Filing Fee	= \$ 300.00
Forum Fees	= \$ 5,625.00
Total Fees	= \$ 5,925.00
Less payments	= \$ 1,425.00
Balance Due NASD Dispute Resolution	= \$ 4,500.00

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


Member Fees	= \$ 5,200.00
Forum Fees	= \$ 5,625.00
Total Fees	= \$10,825.00
Less payments	= \$ 5,200.00
Balance Due NASD Dispute Resolution	= \$ 5,625.00

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

ARBITRATION PANEL

Leonard E. Benade	-	Public Arbitrator, Presiding Chairperson
John R. Canada	-	Public Arbitrator, Panelist
Charles Glass Smith	-	Non-Public Arbitrator, Panelist

Concurring Arbitrators' Signatures



Leonard E. Benade  
Public Arbitrator, Presiding Chairperson

1/18/06

Signature Date

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John R. Canada  
Public Arbitrator, Panelist

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Charles Glass Smith  
Non-Public Arbitrator, Panelist

\_\_\_\_\_  
Signature Date

January 19, 2006

Concurring Arbitrators' Signatures

Leonard E. Benade  
Public Arbitrator, Presiding Chairperson

Signature Date

John R. Canada  
John R. Canada  
Public Arbitrator, Panelist

Jan 17, 2006  
Signature Date

Charles Glass Smith  
Non-Public Arbitrator, Panelist

Signature Date

January 19, 2006  
Date of Service (For NASD Dispute Resolution office use only)

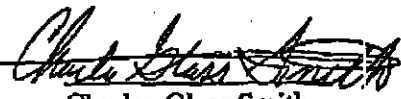
Concurring Arbitrators' Signatures

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Leonard E. Benade  
Public Arbitrator, Presiding Chairperson

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Signature Date

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John R. Canada  
Public Arbitrator, Panelist

\_\_\_\_\_  
Signature Date

  
Charles Glass Smith  
Non-Public Arbitrator, Panelist

1/18/2006  
Signature Date

January 19, 2006  
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