

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Margaret W. McDonald (Claimant) vs. Legg Mason Wood Walker, Inc. and John H. Kopeck, III
(Respondents)

Case Number: 05-00337

Hearing Site: Cincinnati, Ohio

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

REPRESENTATION OF PARTIES

Claimant Margaret W. McDonald hereinafter referred to as "Claimant" appeared *pro se*.

Respondents Legg Mason Wood Walker, Inc. ("Legg Mason") and John H. Kopeck, III ("Kopeck"), hereinafter collectively referred to as "Respondents": Pamela K. Ginsburg, Esq., Ulmer Berne LLP, Cincinnati, Ohio.

CASE INFORMATION

Statement of Claim filed on or about: January 19, 2005.

Claimant signed the Uniform Submission Agreement: January 17, 2005.

Joint Statement of Answer filed by Respondents on or about: March 28, 2005.

Respondent Legg Mason signed the Uniform Submission Agreement: March 28, 2005.

Respondent Kopeck signed the Uniform Submission Agreement: February 7, 2005.

CASE SUMMARY

Claimant asserted the following causes of action: breach of contract and negligence. The causes of action relate to unspecified common stock, mutual funds, preferred stock and real estate investment trust.

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 compensatory damages in the amount of \$54,476.00, plus punitive damages in the amount of \$1,000,000.00.

Respondents requested dismissal of the Claim and to be awarded costs and expenses incurred in defending this Claim. Respondent Kopeck requested that his Central Registration Depository ("CRD") record be expunged pursuant to NASD Rule 2130.

OTHER ISSUES CONSIDERED AND DECIDED

NASD Dispute Resolution preliminarily waived Claimant's filing fees. Upon conclusion of the case, the Panel determined that Claimant's filing fees should be waived.

Claimant did not participate at the hearing in this matter.

Upon review of the file and representations made on behalf of Claimant, the undersigned arbitrators determined that Claimant received due notice of the hearing, and that arbitration of the matter would proceed without said Claimant present, in accordance with the NASD Code of Arbitration Procedure ("the Code").

By letter dated December 8, 2005 Claimant requested that she participate at the December 9, 2005 hearing by telephone. The letter was forwarded to the Panel after the hearing concluded. The Panel notes that Claimant's request stated that she had no other evidence to offer beyond what was set forth in the Statement of Claim. In rendering a decision in this matter, the Panel considered the Statement of Claim and it is part of the record. Therefore, after due deliberation, the Panel determined not to re-open the hearings.

The Respondent has 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, and Claimant's December 8, 2005 letter, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimant's claims are dismissed in their entirety.
2. The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent John H. Kopeck, III's registration records maintained by the Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notice to Members 04-16, Respondent John H. Kopeck, III must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive. Unless specifically waived in writing by the NASD, parties seeking judicial confirmation of an arbitration award containing expungement relief must name NASD as an additional party and serve NASD with all appropriate documents. Pursuant to Rule 2130, the arbitration panel has made the following affirmative findings of fact: The claim, allegation, or information is clearly erroneous.
3. Any and all relief not specifically addressed herein, including punitive damages, is denied.

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

Waived

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, Legg Mason Wood Walker, Inc. is a party.

Member surcharge	= \$2,800.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$5,000.00

Forum Fees and Assessments

The Panel has assessed forum fees for each session conducted or each decision rendered on a discovery-related motion on the papers. 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) Decision on discovery-related motions on the papers with (1) one arbitrator @ \$200.00	= \$ 200.00
Respondent submitted one (1) discovery-related motion	

One (1) Pre-hearing session with Panel @ \$1,200.00	= \$1,200.00
Pre-hearing conference: June 2, 2005 1 session	

One (1) Hearing session @ \$1,200.00	= \$1,200.00
Hearing Date: December 9, 2005 1 session	

Total Forum Fees	= \$2,600.00
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1. The Panel has assessed \$2,600.00 of the forum fees to Legg Mason.

Fee Summary

1. Respondent Legg Mason is solely liable for:

Member Fees	= \$ 8,500.00
Forum Fees	= \$ 2,600.00
Total Fees	= \$ 11,100.00
Less payments	= \$ 8,500.00
Balance Due NASD Dispute Resolution	= \$ 2,600.00

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

ARBITRATION PANEL

Benjamin B. Segel, Esq.
Carol M. Stoner, Esq.
Sandra J. Bakalus

- Public Arbitrator, Presiding Chairperson
- Public Arbitrator
- Non-Public Arbitrator

Concurring Arbitrators' Signatures



Benjamin B. Segel, Esq.
Public Arbitrator, Presiding Chairperson

1/9/06
Signature Date

Carol M. Stoner, Esq.
Public Arbitrator

Signature Date

Sandra J. Bakalus
Non-Public Arbitrator

Signature Date

JANUARY 11, 2006
Date of Service (For NASD Dispute Resolution use only)

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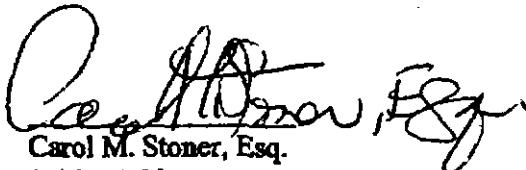
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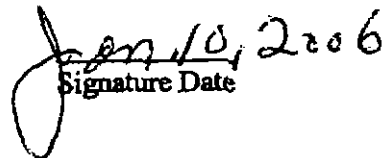
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