

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Grace Fraser, Executrix for The Estate of Thomas M. Fraser, and Grace M. Fraser,
Trustee of the Thomas M. Fraser Trust (Claimants) vs. A.G. Edwards & Sons, Inc.
(Respondent)

Case Number: 05-00927

Hearing Site: Manchester, New Hampshire

Nature of the Dispute: Customers v. Member.

REPRESENTATION OF PARTIES

Claimants Grace Fraser, Executrix for the Estate of Thomas M. Fraser ("Estate of Thomas M. Fraser"), and Grace M. Fraser, Trustee of the Thomas M. Fraser Trust ("Thomas M. Fraser Trust"), hereinafter collectively referred to as "Claimants": Charles G. Douglas, III, Esq., Douglas, Leonard & Garvey, P.C., Concord, NH.

Respondent A.G. Edwards & Sons, Inc., hereinafter referred to as "Respondent": Nancy Anderson Tayborn, Esq., A.G. Edwards & Sons, Inc., St. Louis, MO.

CASE INFORMATION

Statement of Claim filed on or about: March 14, 2005.

Estate of Thomas M. Fraser signed the Uniform Submission Agreement: March 9, 2005.

Thomas M. Fraser Trust signed the Uniform Submission Agreement: March 9, 2005.

Statement of Answer filed by Respondent on or about: June 8, 2005.

Respondent signed the Uniform Submission Agreement: June 10, 2005.

CASE SUMMARY

Claimants asserted the following causes of action: misrepresentation/suitability, breach of fiduciary duty, negligence, and breach of contract. The causes of action relate to unspecified securities.

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

RELIEF REQUESTED

Claimants requested compensatory damages in the amount of \$366,701.00.

Respondent requested dismissal of the Statement of Claim with prejudice, expungement of its CRD records, costs, and such other and further relief as may be deemed just.

OTHER ISSUES CONSIDERED AND DECIDED

At the hearing Respondent made a Motion to Dismiss. After due deliberation, the Panel denied the Motion.

At the hearing Claimants made a Motion in Limine. After due deliberation, the Panel allowed the Motion.

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. Claimants' claims are dismissed in their entirety.
2. Any and all relief not specifically addressed herein 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	= \$ 300.00
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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, A.G. Edwards & Sons, 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 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) Pre-hearing session with Panel @ \$1,125.00	= \$ 1,125.00
Pre-hearing conference: November 9, 2005 1 session	
Eight (8) Hearing sessions @ \$1,125.00/session	= \$ 9,000.00
Hearing Dates: June 21, 2006 2 sessions	
June 22, 2006 2 sessions	
January 17, 2007 2 sessions	
January 18, 2007 2 sessions	
Total Forum Fees	= \$10,125.00

1. The Panel has assessed \$5,062.50 of the forum fees jointly and severally to Claimants.
2. The Panel has assessed \$5,062.50 of the forum fees to Respondent.

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 not limited to, additional copies of arbitrator awards, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

1. Respondent requested copies of audio tapes = \$ 90.00

Fee Summary

1. Claimants are jointly and severally liable for:	
Initial Filing Fee	= \$ 300.00
Forum Fees	= \$ 5,062.50
<u>Total Fees</u>	<u>= \$ 5,362.50</u>
<u>Less payments</u>	<u>= \$ 1,425.00</u>
Balance Due NASD Dispute Resolution	= \$ 3,937.50
2. Respondent is solely liable for:	
Member Fees	= \$ 5,200.00
Forum Fees	= \$ 5,062.50
Administrative Costs	= \$ 90.00
<u>Total Fees</u>	<u>= \$10,352.50</u>
<u>Less payments</u>	<u>= \$ 5,200.00</u>
Balance Due NASD Dispute Resolution	= \$ 5,152.50

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

ARBITRATION PANEL

Sandor I. Rabkin, Esq.	-	Public Arbitrator, Presiding Chairperson
William H. McCarter, Jr., Esq.	-	Public Arbitrator
Norman Foxman	-	Non-Public Arbitrator

Sandor I. Rabkin, Esq.
Sandor I. Rabkin, Esq.
Public Arbitrator, Presiding Chairperson

February 7, 2007
Signature Date

William H. McCarter, Jr., Esq.
William H. McCarter, Jr., Esq.
Public Arbitrator

Signature Date

Norman Foxman
Norman Foxman
Non-Public Arbitrator

Signature Date

February 13, 2007

Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL

Sandor I. Rabkin, Esq.	-	Public Arbitrator, Presiding Chairperson
William H. McCarter, Jr., Esq.	-	Public Arbitrator
Norman Foxman	-	Non-Public Arbitrator

Sandor I. Rabkin, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

William H. McCarter, Jr.

William H. McCarter, Jr., Esq.
Public Arbitrator

February 9, 2007

Signature Date

Norman Foxman
Non-Public Arbitrator

Signature Date

February 13, 2007

Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL

Sandor I. Rabkin, Esq.	-	Public Arbitrator, Presiding Chairperson
William H. McCarter, Jr., Esq.	-	Public Arbitrator
Norman Foxman	-	Non-Public Arbitrator

Sandor I. Rabkin, Esq.
Public Arbitrator, Presiding Chairperson

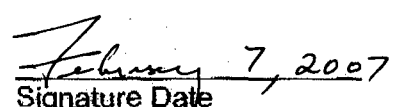
Signature Date

William H. McCarter, Jr., Esq.
Public Arbitrator

Signature Date



Norman Foxman
Non-Public Arbitrator



Signature Date

February 13, 2007

Date of Service (For NASD Dispute Resolution use only)