
Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant
Wesley Wieghmink

Case Number: 05-01124

Name of the Respondent
Edward D. Jones & Co.

Hearing Site: Little Rock, AR

Nature of the Dispute: Customer vs. Member.

REPRESENTATION OF PARTIES

For Wesley Wieghmink, hereinafter referred to as "Claimant": C. David Mee, Esq., Woska & Hayes, L.L.P., Kingwood, TX.

For Edward D. Jones & Co. ("Jones"), hereinafter referred to as "Respondent": Jennifer A. Briner, Esq., Greensfelder, Hemker & Gale, P.C., St. Louis, MO.

CASE INFORMATION

Statement of Claim filed on or about: March 3, 2005.

Claimant signed the Uniform Submission Agreement: February 22, 2005.

Respondent's Answer and Affirmative Defenses to the Statement of Claim filed on or about: April 26, 2005.

Respondent signed the Uniform Submission Agreement: March 14, 2005.

CASE SUMMARY

Claimant asserted the following causes of action: control person liability; breach of fiduciary duty; breach of contract; violation of the know your customer rule; unsuitability; failure to diversify; failure to supervise; violations of the securities laws; and, failure to hedge. The causes of action relate to the purchase of Lucent, General Electric, American Balanced Fund, Capitol World Growth and Income Fund, New Perspective Fund, Fundamental Investors, and mutual fund Class A shares in Claimant's accounts.

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

RELIEF REQUESTED

Claimant requested compensatory damages of approximately \$200,000.00, lost earnings that the accounts would have earned if they had been properly invested, pre- and post-judgment interest, costs, attorneys' fees, punitive damages, and all other and further relief to which Claimant is entitled.

Respondent requested dismissal of the Statement of Claim.

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, and the post-hearing submissions, the undersigned arbitrators (the "Panel") have decided in full and final resolution of the issues submitted for determination as follows:

The claims of Claimant Wesley Wieghmink against Respondent Edward Jones are denied.

Any and all claims for relief not specifically addressed herein, including Claimant's request for punitive damages, are denied.

FEES

Pursuant to the NASD Code of Arbitration Procedure (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 firm(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. Accordingly, Respondent Jones is a member firm and a party.

Member surcharge = \$1,700.00

Pre-hearing process fee = \$ 750.00

Hearing process fee = \$2,750.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

No adjournment fees were assessed during these proceedings.

Three-Day Cancellation Fees

Fees apply when a hearing on the merits is postponed or settled within three business days before the start of a scheduled hearing session:

No three-day cancellation fees were assessed during these proceedings.

Injunctive Relief Fees

Injunctive relief fees are assessed to each member or associated person who files for a temporary injunction in court. Parties in these cases are also assessed arbitrator travel expenses and costs

when an arbitrator is required to travel outside his or her hearing location and additional arbitrator honoraria for the hearing for permanent injunction. These fees, except the injunctive relief surcharge, are assessed equally against each party unless otherwise directed by the panel.

No injunctive relief fees were assessed during these proceedings.

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:

Two (2) Pre-hearing sessions with a single arbitrator @ \$450.00/session = \$ 900.00

Pre-hearing conferences: November 14, 2005 1 session

November 15, 2005 1 session

One (1) Pre-hearing session with the Panel @ \$1,125.00/session = \$1,125.00

Pre-hearing conference: July 6, 2005 1 session

Five (5) Hearing sessions @ \$1,125.00/session = \$5,625.00

Hearing Dates: November 17, 2005 2 sessions

November 18, 2005 2 sessions

November 19, 2005 1 session

Total Forum Fees = \$7,650.00

The Panel has assessed \$3,825.00 of the forum fees to Claimant.

The Panel has assessed \$3,825.00 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.

No administrative costs were incurred during these proceedings.

Fee Summary

Claimant is solely liable for:

Initial Filing Fee = \$ 300.00

Forum Fees = \$3,825.00

Total Fees = \$4,125.00

Less payments = \$1,425.00

Balance Due NASD Dispute Resolution = \$2,700.00

Respondent is solely liable for:

Member Fees = \$5,200.00

Forum Fees = \$3,825.00

Total Fees = \$9,025.00

| | |
|-------------------------------------|---------------------|
| <u>Less payments</u> | <u>= \$5,200.00</u> |
| Balance Due NASD Dispute Resolution | = \$3,825.00 |

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

ARBITRATION PANEL

| | |
|--------------------------|--|
| John A. Davis, III, Esq. | - Public Arbitrator, Presiding Chairperson |
| Richard C. Downing, Esq. | - Public Arbitrator |
| Patrice L. Stewart | - Non-Public Arbitrator |

Concurring Arbitrators' Signatures

/s/
John A. Davis, III, Esq.
Non-Public Arbitrator, Presiding Chairperson

Signature Date

/s/
Richard C. Downing, Esq.
Non-Public Arbitrator

Signature Date

/s/
Patrice L. Stewart
Non-Public Arbitrator

Signature Date

November 28, 2005
Date of Service (For NASD Dispute Resolution use only)

Nov. 22. 2005 11:44PM

No. 0051 P. 5/5

NASD Dispute Resolution

Arbitration No. 05-01124

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| | |
|-------------------------------------|---------------------|
| <u>Less payments</u> | <u>= \$5,200.00</u> |
| Balance Due NASD Dispute Resolution | = \$3,825.00 |

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ARBITRATION PANEL

John A. Davis, III, Esq.

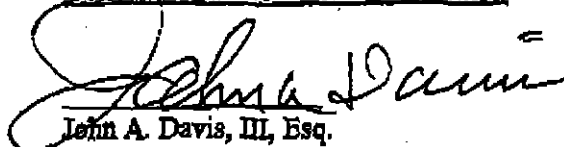
- Public Arbitrator, Presiding Chairperson

Richard C. Downing, Esq.

- Public Arbitrator

Patrice L. Stewart

- Non-Public Arbitrator

Concurring Arbitrators' Signatures

John A. Davis, III, Esq.

Signature Date

Non-Public Arbitrator, Presiding Chairperson

Richard C. Downing, Esq.

Signature Date

Non-Public Arbitrator

Patrice L. Stewart

Signature Date

Non-Public Arbitrator

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NASD Dispute Resolution

Arbitration No. 05-01124

Award Page 4 of 4

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| Richard C. Downing, Esq. | - Public Arbitrator |
| Patrice L. Stewart | - Non-Public Arbitrator |

Concurring Arbitrators' Signatures

John A. Davis, III, Esq.
Non-Public Arbitrator, Presiding Chairperson

Signature Date



Richard C. Downing, Esq.
Non-Public Arbitrator

11-23-05
Signature Date

Patrice L. Stewart
Non-Public Arbitrator

Signature Date

Date of Service (For NASD Dispute Resolution use only)

Nov. 22. 2005 11:48PM

No. 0051 P. 5/5

NASD Dispute Resolution

Arbitration No. 05-01124

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|-------------------------------------|---------------------|
| <u>Less payments</u> | <u>- \$5,200.00</u> |
| Balance Due NASD Dispute Resolution | - \$3,825.00 |

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| Patrice L. Stewart | - Non-Public Arbitrator |

Concurring Arbitrators' Signatures

John A. Davis, III, Esq.
Non-Public Arbitrator, Presiding Chairperson

Signature Date

Richard C. Downing, Esq.
Non-Public Arbitrator

Signature Date


Patrice L. Stewart
Non-Public Arbitrator

11-26-05
Signature Date

Date of Service (For NASD Dispute Resolution use only)