

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Names of the Claimants

Peggy Jeana Cook
The Estate of Alice Dale Jolley,
by and through Peggy Jenna Cook, Executrix

Case Number: 05-02052

Name of the Respondent

First Tennessee Brokerage, Inc.

Hearing Site: Memphis, TN

Nature of the Dispute: Customers vs. Member.

REPRESENTATION OF PARTIES

Claimants, Peggy Jeana Cook and The Estate of Alice Dale Jolley, by and through Peggy Jenna Cook, Executrix, hereinafter collectively referred to as "Claimants", were represented by J. Richard Rossie, Esq., Rossie, Luckett & Ridder, P.C., Memphis, Tennessee.

Respondent, First Tennessee Brokerage, Inc., hereinafter referred to as "Respondent" was represented by Michael Richards, Esq., Baker, Donelson, Bearman, Caldwell & Berkowitz, P.C., Memphis, Tennessee.

CASE INFORMATION

Statement of Claim filed on April 19, 2005.

Claimants signed the Uniform Submission Agreement on May 26, 2005.

Statement of Answer filed by Respondent on June 17, 2005.

A representative of Respondent executed the Uniform Submission Agreement on April 7, 2005.

CASE SUMMARY

In the Statement of Claim, Claimants asserted the following causes of action, among others: breach of contract, breach of fiduciary duties, and negligence. The causes of action relate to the purchase and sale of various unspecified securities.

Unless specifically admitted in its Statement of Answer, Respondent denied the allegations made in the Statement of Claim and asserted the following defenses, among others: authorization, failure to inquire about accounts statement or properly monitor her account, and contributory/comparative negligence.

RELIEF REQUESTED

Claimants in the Statement of Claim requested:

Compensatory Damages	\$	450,000.00
Punitive Damages	\$	450,000.00

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, the Arbitration Panel (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 Claimants the sum of \$20,000.00 in compensatory damages. No interest is awarded on this amount;
2. The parties shall bear their respective costs, 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	= \$	375.00
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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, Respondent is a party.

Member surcharge	= \$	2,250.00
Pre-hearing process fee	= \$	750.00
Hearing process fee	= \$	4,000.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

December 7-8, 2005, adjournment requested by Claimants	= \$	1,200.00
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1. The Panel has assessed \$ 600.00 of the adjournment fee jointly and severally to Claimants.
2. The Panel has assessed \$ 600.00 of the adjournment fee to Respondent.

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 the Panel @ \$ 1,200.00	= \$ 1,200.00
Pre-hearing conference: October 31, 2005 1 session	
Three (3) Hearing sessions @ \$ 1,200.00	= \$ 3,600.00
Hearing Dates: February 6, 2006 2 sessions	
February 7, 2006 1 session	
Total Forum Fees	= \$ 4,800.00

1. The Panel has assessed \$ 2,400.00 of the forum fees jointly and severally to Claimants.
2. The Panel has assessed \$ 2,400.00 of the forum fees to Respondent.

Fee Summary

1. Claimants are jointly and severally assessed and shall pay:	
Initial Filing Fee	= \$ 375.00
Adjournment Fees	= \$ 600.00
<u>Forum Fees</u>	<u>= \$ 2,400.00</u>
Total Fees	= \$ 3,375.00
<u>Less payments</u>	<u>= \$ 1,575.00</u>
Balance Due NASD Dispute Resolution	= \$ 1,800.00
2. Respondent is assessed and shall pay:	
Member Fees	= \$ 7,000.00
Adjournment Fees	= \$ 600.00
<u>Forum Fees</u>	<u>= \$ 2,400.00</u>
Total Fees	= \$ 10,000.00
<u>Less payments</u>	<u>= \$ 7,000.00</u>
Balance Due NASD Dispute Resolution	= \$ 3,000.00

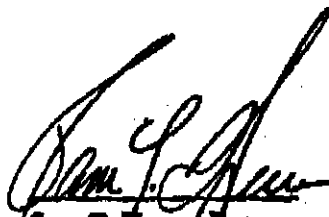
All balances are payable to NASD Dispute Resolution and are due upon receipt pursuant to Rule 10330(g) of the Code.

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ARBITRATION PANEL

Sam T. Heuer, Esq.	-	Public Arbitrator, Presiding Chairperson
Edward M. Kaplan, Esq.	-	Public Arbitrator, Panelist
Hal Lewis	-	Non-Public Arbitrator, Panelist

Concurring Arbitrators' Signatures


Sam T. Heuer, Esq.
Public Arbitrator, Presiding Chairperson

February 1, 2005
Signature Date

Edward M. Kaplan, Esq.
Public Arbitrator, Panelist

Signature Date

Hal Lewis
Non-Public Arbitrator, Panelist

Signature Date

February 9, 2006
Date of Service (For NASD Dispute Resolution office use only)

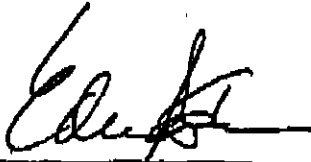
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Hal Lewis	-	Non-Public Arbitrator, Panelist

Concurring Arbitrators' Signatures

Sam T. Heuer, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date



Edward M. Kaplan, Esq.
Public Arbitrator, Panelist

February 9, 2006
Signature Date

Hal Lewis
Non-Public Arbitrator, Panelist

Signature Date

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Signature Date

Edward M. Kaplan, Esq.
Public Arbitrator, Panelist

Signature Date



Hal Lewis
Non-Public Arbitrator, Panelist

Feb. 9, 2006.

Signature Date

February 9, 2006
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