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

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In the Matter of the Arbitration Between:

Name of the Claimant  
Dewey Harold Brazelton

Case Number: 05-02708

Name of the Respondent  
Edward D. Jones & Company, LP

Hearing Site: Birmingham, Alabama

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Nature of the Dispute: Customer vs. Member.

**REPRESENTATION OF PARTIES**

For Dewey Harold Brazelton , hereinafter referred to as "Claimant": Stuart M. Maples, Esq., Johnston, Moore, Maples & Thompson, Huntsville, Alabama.

For Edward D. Jones & Company, LP, hereinafter referred to as "Respondent": David M. Harris, Esq., Greensfelder Hemker & Gale, PC, St. Louis, Missouri.

**CASE INFORMATION**

Statement of Claim filed on or about: May 24, 2005.

Claimant signed, but did not date, the Uniform Submission Agreement:

Statement of Answer filed by Respondent on or about: July 26, 2005.

Respondent signed the Uniform Submission Agreement: June 1, 2005.

Motion to Compel, or alternatively, to Dismiss filed by Respondent on or about: November 14, 2005.

Dispositive Motion to Deny Claim filed by Respondent on or about: December 2, 2005.

Response to Motion to Compel, or alternatively, to Dismiss and to Dispositive Motion to Deny Claim filed by Claimant on or about: December 12, 2005.

Renewed Motion to Deny Claim filed by Respondent on or about: January 19, 2006.

Response to Renewed Motion to Deny Claim filed by Claimant on or about: February 2, 2006.

**CASE SUMMARY**

Claimant asserted the following causes of action: 1) false and misleading statements; 2) failure to disclose; 3) misrepresentations and/or omissions; 4) fraudulent conduct; 5) violation of Section 10(b) of the Exchange Act and Rule 10b-5; 6) breach of agreement; 7) breach of fiduciary duty; and, 8) violation of securities laws. The causes of action relate to the purchase of various Federated Investor, Inc. managed funds.

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 an unspecified amount of compensatory damages, exemplary damages, attorney's fees and costs.

Respondent requested that the Statement of Claim be dismissed in its entirety.

### **OTHER ISSUES CONSIDERED AND DECIDED**

On February 8, 2006, a telephonic hearing was held to hear oral argument on Respondent's Renewed Motion to Deny Claim. Pursuant to this hearing the Panel issued an Order granting the motion, without prejudice.

The parties have agreed that the Award in this matter may be entered in counterpart copies or that a signed handwritten Award may be entered.

### **AWARD**

After considering the pleadings and the oral argument presented at the telephonic hearing, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

The Panel received the parties' written submissions regarding the Renewed Motion to Deny Claim and heard oral argument by telephonic conference from representatives of both parties. After deliberation, the Panel determined that Claimant's Statement of Claim is dismissed, without prejudice.

Any and all claims for relief not specifically addressed herein, including Claimant's requests for exemplary damages and attorney's fees, 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	= \$250.00
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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 to this dispute and was a member of NASD at the time the following fees were assessed:

Member surcharge	= \$1,500.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$2,200.00
Total Member Fees	= \$4,450.00

**Adjournment Fees**

No requests for adjournments were filed in this matter.

**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 cancellation fees were assessed in this matter.

**Injunctive Relief Fees**

No injunctive relief fees were incurred during this proceeding.

**Forum Fees and Assessments**

The Panel has assessed forum fees for each session conducted. 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:

Three (3) Pre-hearing sessions with the Panel @ \$1,000.00	= \$3,000.00
Pre-hearing conferences:     September 30, 2005     1 session	
December 16, 2005     1 session	
February 8, 2006     1 session	
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Total Forum Fees	= \$3,000.00

The Panel has assessed the total forum fees of \$3,000.00 to Claimant.

**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 this proceeding.

**Fee Summary**

Claimant is solely liable for:

Initial Filing Fee	= \$ 250.00
Forum Fees	= \$ 3,000.00
Total Fees	= \$ 3,250.00
Less payments	= \$ 1,250.00
Balance Due NASD Dispute Resolution	= \$ 2,000.00

Respondent is solely liable for:

Member Fees	= \$ 4,450.00
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Total Fees	= \$ 4,450.00
<u>Less payments</u>	<u>= \$ 4,450.00</u>
Balance Due NASD Dispute Resolution	= \$ 0.00

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

**ARBITRATION PANEL**

<i>Steven P. Gregory, Esq.</i>	-	<i>Public Arbitrator, Presiding Chairperson</i>
<i>Gloria Liddell, Esq.</i>	-	<i>Public Arbitrator</i>
<i>Coleman Robert Perry, CFP</i>	-	<i>Non-Public Arbitrator</i>

**Concurring Arbitrators' Signatures**

/s/  
Steven P. Gregory, Esq.  
Public Arbitrator, Presiding Chairperson

02/10/06  
Signature Date

/s/  
Gloria Liddell, Esq.  
Public Arbitrator

02/10/06  
Signature Date

/s/  
Coleman Robert Perry, CFP  
Non-Public Arbitrator

02/10/06  
Signature Date

02/13/06  
Date of Service (For NASD Dispute Resolution office use only)

NASD Dispute Resolution  
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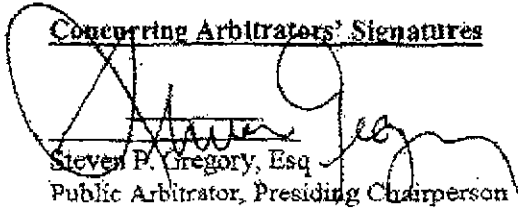
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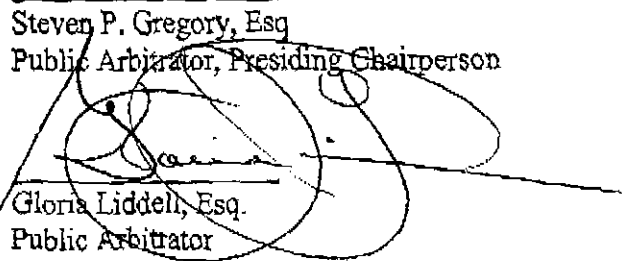
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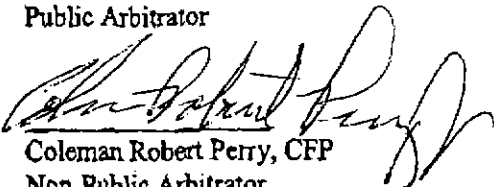
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