

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

The Fuller Living Trust, Claimant v. Edward D. Jones & Co. and Scott C. Harris,
Respondents

Case Number: 05-05396

Hearing Site: San Francisco, California

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

REPRESENTATION OF PARTIES

For Claimant:

Timothy A. Canning, Esq.
Attorney at Law
Novato, California

For Respondents:

Eric D. Lansverk, Esq.
Hillis Clark Martin & Peterson, P.S.
Seattle, Washington

CASE INFORMATION

Statement of Claim filed: October 19, 2005

Claimant's Uniform Submission Agreement signed: September 18, 2005

Joint Statement of Answer filed by Respondents: February 3, 2006

Respondent Edward D. Jones & Co.'s Uniform Submission Agreement signed:
December 21, 2005

Respondent Scott C. Harris' Uniform Submission Agreement signed: January 30, 2006

CASE SUMMARY

Claimant alleged fraud, negligence, breach of contract, breach of fiduciary duty, misrepresentation, unsuitability, and failure to supervise, involving unspecified securities.

Respondents denied the allegations of wrongdoing set forth in Claimant's Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

Claimant requested \$192,000.00 in compensatory damages, unspecified punitive damages, disciplinary referrals to regulatory agencies, and costs, including attorney's fees, filing fees, and hearing session fees.

Respondents requested dismissal of Claimant's Statement of Claim in its entirety, expungement of Respondent Scott C. Harris' registration record maintained by the NASD Central Registration Depository, and costs, including attorney's fees.

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, testimony, and evidence presented at the hearing, the Panel decided in full and final resolution of the issues submitted for determination as follows:

- 1) Respondent Edward D. Jones & Co. is liable to and shall pay Claimant the sum of \$54,207.30 in compensatory damages.
- 2) Respondent Scott C. Harris' request for expungement is denied.
- 3) The parties shall bear their respective costs, including attorney's fees.
- 4) All other relief requested and not expressly granted is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution received or will collect the non-refundable filing fees for each claim as follows:

Initial claim filing fee	= \$ 300.00
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Member Fees

Member fees are assessed to each member firm that is either a party in the matter or an employer of a respondent associated person at the time of the events that gave rise to the dispute, claim, or controversy. Accordingly, the member firm Edward D. Jones & Co. is a party and the following fees are assessed:

Member Surcharge	= \$ 1,700.00
Pre-Hearing Process Fee	= \$ 750.00
Hearing Process Fee	= \$ 2,750.00
Total Member Fees	= \$ 5,200.00

Forum Fees and Assessments

The Panel 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 arbitrator(s), including a pre-hearing conference with the arbitrator(s), that lasts four (4) hours or less. Fees associated with these proceedings are:

1 Pre-hearing conference session with one arbitrator @ \$450.00/session	= \$ 450.00
Pre-hearing conference: November 16, 2006	1 session

1 Pre-hearing conference session with the Panel @ \$1,125.00/session	= \$ 1,125.00
Pre-hearing conference: April 10, 2006	1 session

4 Hearing sessions @ \$1,125.00/session	= \$ 4,500.00
Hearings: January 9, 2007	2 sessions
January 10, 2007	2 sessions

Total Forum Fees	= \$ 6,075.00
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1. The Panel assessed \$3,037.50 of the forum fees to Claimant.
2. The Panel assessed \$3,037.50 of the forum fees jointly and severally to Respondents.

Fee Summary

1. Claimant is charged with the following fees and costs:

Initial Filing Fee	= \$ 300.00
Forum Fees	= \$ 3,037.50
Total Fees	= \$ 3,337.50
Less payments	= \$(1,425.00)
Balance Due NASD Dispute Resolution	= \$ 1,912.50

2. Respondent Edward D. Jones & Co. is charged with the following fees and costs:

Member Fees	= \$ 5,200.00
Less payments	= \$(5,200.00)
Balance Due NASD Dispute Resolution	= \$ 0.00

3. Respondents are charged jointly and severally with the following fees and costs:

Forum Fees	= \$ 3,037.50
Less payments	= \$(0.00)
Balance Due NASD Dispute Resolution	= \$ 3,037.50

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

ARBITRATION PANEL

Barbara M. Anscher
David R. Finch
Alexandra M. Linden

- Public Arbitrator, Presiding Chair
- Public Arbitrator
- Non-Public Arbitrator

Concurring Arbitrators' Signatures



Barbara M. Anscher
Chair, Public Arbitrator

1-12-07
Signature Date

David R. Finch
Public Arbitrator

Signature Date

Alexandra M. Linden
Non-Public Arbitrator

Signature Date

1/12/07
Date of Service

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David R. Finch	-	Public Arbitrator
Alexandra M. Linden	-	Non-Public Arbitrator

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Barbara M. Anscher
Chair, Public Arbitrator

Signature Date



David R. Finch
Public Arbitrator

1-11-2007

Signature Date

Alexandra M. Linden
Non-Public Arbitrator

Signature Date

1/12/07

Date of Service

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