

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Thomas R. Patterson (Claimant) vs. Edward D. Jones & Co., L.P. and Rhonda H. McCurry (Respondents)

Case Number: 05-05963

Hearing Site: Cleveland, Ohio

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

REPRESENTATION OF PARTIES

Claimant Thomas R. Patterson hereinafter referred to as "Claimant": Lawrence J. Scanlon, Esq., Scanlon & Co., L.L.C., and Gerald P. Leb., Esq., Leblaw Legal Services, Akron, OH.

Respondents Edward D. Jones & Co., L.P. ("Edward Jones") and Rhonda H. McCurry ("McCurry") hereinafter collectively referred to as "Respondents": Dennis K. Egan, Esq., Butzel Long, Bloomfield Hills, MI.

CASE INFORMATION

Statement of Claim filed on or about: November 18, 2005.

Claimant signed the Uniform Submission Agreement: November 17, 2005.

Joint Statement of Answer filed by Respondents on or about: January 12, 2006.

Edward Jones signed the Uniform Submission Agreement: November 29, 2005.

McCurry signed the Uniform Submission Agreement: January 4, 2006.

CASE SUMMARY

Claimant asserted the following causes of action: misrepresentation, suitability, breach of fiduciary duty due to conflict of interest, breach of fiduciary duty by ignoring trade breakpoint, and failure to supervise. The causes of action relate to unspecified equities.

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

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$95,681.00 plus interest, attorneys' fees, costs, and expenses.

Respondents requested dismissal of the Statement of Claim in its entirety and costs.

OTHER ISSUES CONSIDERED AND DECIDED

During the hearing Respondents Moved to Dismiss the Statement of Claim on Statute of Limitations Grounds. The Panel heard oral arguments on Respondents' Motion to Dismiss. After due deliberation and review of all post-hearing briefs on Respondents' Motion to Dismiss, the Panel denied 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. Claimant's claims are denied 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	= \$	225.00
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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, Edward D. Jones & Co., L.P. is a party.

Member Surcharge	= \$	1,100.00
Pre-hearing Process Fee	= \$	750.00
Hearing Process Fee	= \$	1,700.00

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 @ \$750.00	= \$	750.00
Pre-hearing conference: March 28, 2006	1 session	

Six (6) Hearing sessions with Panel @ \$750.00	= \$	4,500.00
Hearing Dates: November 28, 2006	2 sessions	

	November 29, 2006	2 sessions	
	November 30, 2006	2 sessions	
<hr/> Total Forum Fees			= \$ 5,250.00

1. The Panel has assessed \$2,625.00 of the forum fees to Claimant.
2. The Panel has assessed \$2,625.00 of the forum fees jointly and severally to Respondents.

Fee Summary

1. Claimant is solely liable for:

Initial Filing Fee	= \$ 225.00
Forum Fees	= \$ 2,625.00
Total Fees	= \$ 2,850.00
Less Payments	= \$ 975.00
Balance Due NASD Dispute Resolution	= \$ 1,875.00
2. Respondent Edward Jones is solely liable for:

Member Fees	= \$ 3,550.00
Total Fees	= \$ 3,550.00
Less Payments	= \$ 3,550.00
Balance Due NASD Dispute Resolution	= \$ 0.00
3. Respondents are jointly and severally liable for:

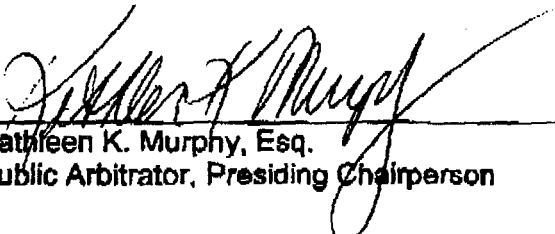
Forum Fees	= \$ 2,625.00
Total Fees	= \$ 2,625.00
Less Payments	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 2,625.00

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

ARBITRATION PANEL

Kathleen K. Murphy, Esq.	-	Public Arbitrator, Presiding Chairperson
Thomas H. Barnard, Esq.	-	Public Arbitrator
Marianne L. Simpson	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures



Kathleen K. Murphy, Esq.
Public Arbitrator, Presiding Chairperson



Signature Date

Thomas H. Barnard, Esq.
Public Arbitrator

Signature Date

Marianne L. Simpson
Non-Public Arbitrator

Signature Date

December 12, 2006
Date of Service (For NASD Dispute Resolution use only)


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Thomas H. Barnard, Esq.	-	Public Arbitrator
Marianne L. Simpson	-	Non-Public Arbitrator

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Public Arbitrator, Presiding Chairperson

Signature Date



Thomas H. Barnard, Esq.
Public Arbitrator

12/8/06

Signature Date

Marianne L. Simpson
Non-Public Arbitrator

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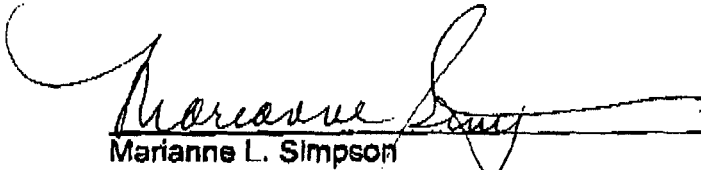
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