

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Williams Family Trust UAD 3/31/77 and The Williams Wife's Trust UAD 3/31/77,
Claimants v. Piper Jaffray & Co. and Walter J. Clarke, Respondents

Case Number: 05-06511

Hearing Site: Phoenix, Arizona

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

REPRESENTATION OF PARTIES

For Claimants:

Jon Titus, Esq.
Titus, Brueckner & Berry
Scottsdale, Arizona

For Respondents:

Kelley Moynihan, Esq
Keesal, Young & Logan
San Francisco, California

CASE INFORMATION

Statement of Claim filed: December 16, 2005

Claimants' Joint Uniform Submission Agreement signed: December 21, 2005

Statement of Answer filed by Respondents: March 23, 2006

Respondent Piper Jaffray & Co.'s Uniform Submission Agreement signed: March 31, 2006

Respondent Walter J. Clarke's Uniform Submission Agreement signed: April 3, 2006

CASE SUMMARY

Claimants alleged misrepresentation and omissions in violation of A.R.S. §§ 44-1991 and 1992, unsuitability, breach of fiduciary duty, breach of trust and breach of agency relationship, negligent misrepresentation, negligence, failure to supervise, breach of contract, unjust enrichment, and consumer fraud. Claimants' allegations involved investments in an Equitable Accumulator Plus Variable Annuity.

Respondents denied the allegations of wrongdoing set forth in the Claimants' Statement of Claim.

RELIEF REQUESTED

Claimants requested \$654,860.11 in compensatory damages, \$300,000.00 in market opportunity losses, \$250,000.00 in punitive damages, pre- and post-judgment interest and costs, including attorney's fees.

Respondents requested dismissal of the Claimants' Statement of Claim in its entirety, expungement of all reference to the above captioned arbitration from Respondent Walter J. Clarke's registration records maintained by the NASD Central Registration Depository ("CRD"), 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) Claimants' claims are denied in their entirety.
- 2) The parties shall bear their respective costs, including attorney's fees.
- 3) 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	= \$ 500.00
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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 Piper Jaffray & Co. is a party and the following fees are assessed:

Member Surcharge	= \$ 2,800.00
Pre-Hearing Process Fee	= \$ 750.00
Hearing Process Fee	= \$ 5,000.00
Total Member Fees	= \$ 8,550.00

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 arbitrators, including a pre-hearing conference with the arbitrators, that last four (4) hours or less. Fees associated with these proceedings are:

(1) Decision on discovery-related motion on the papers with one arbitrator @ \$200.00	= \$ 200.00
Claimant submitted one discovery-related motion	

(1) Pre-hearing conference session with the Panel @ \$1,200.00/session	= \$ 1,200.00
Pre-hearing conference: May 23, 2006	1 session

(7) Hearing sessions @ \$1,200.00/session	= \$ 8,400.00
Hearings:	
January 16, 2007	2 sessions
January 17, 2007	2 sessions
January 18, 2007	2 sessions
January 19, 2007	1 session

Total Forum Fees	= \$9,800.00
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1. The Panel assessed \$800.00 of the forum fees jointly and severally to Claimants.
2. The Panel assessed \$9,000.00 of the forum fees jointly and severally to Respondents.

Fee Summary

1. Claimants are charged jointly and severally with the following fees and costs:

Initial Filing Fee	= \$ 500.00
Forum Fees	= \$ 800.00
Total Fees	= \$ 1,300.00
Less payments	= \$(1,700.00)
Refund Due Claimant	= \$(400.00)
2. Respondent, Piper Jaffray & Co, is charged with the following fees and costs:

Member Fees	= \$ 8,550.00
Less payments	= \$(7,000.00)
Balance Due NASD Dispute Resolution	= \$ 1,550.00
3. Respondents are charged jointly and severally with the following fees and costs:

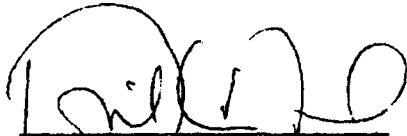
Forum Fees	= \$ 9,000.00
Balance Due NASD Dispute Resolution	= \$ 9,000.00

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

Richard L. Merkel, Esq.	-	Public Arbitrator, Presiding Chair
Howard S. Wacker	-	Public Arbitrator
Mercedes G. Johnson	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures



Richard L. Merkel, Esq.
Chair, Public Arbitrator

1/26/07
Signature Date

Howard S. Wacker
Public Arbitrator

Signature Date

Mercedes G. Johnson
Non-Public Arbitrator

Signature Date

January 26, 2007

ARBITRATION PANEL

Richard L. Merkel, Esq.	-	Public Arbitrator, Presiding Chair
Howard S. Wacker	-	Public Arbitrator
Mercedes G. Johnson	-	Non-Public Arbitrator

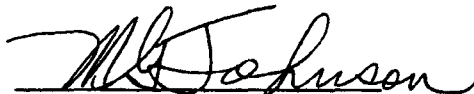
Concurring Arbitrators' Signatures

Richard L. Merkel, Esq.
Chair, Public Arbitrator

Signature Date

Howard S. Wacker
Public Arbitrator

Signature Date


Mercedes G. Johnson
Non-Public Arbitrator

1/26/07
Signature Date

January 26, 2007
Date of Service

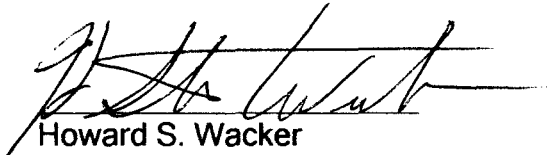
Richard L. Merkel, Esq.
Howard S. Wacker
Mercedes G. Johnson

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

Concurring Arbitrators' Signatures

Richard L. Merkel, Esq.
Chair, Public Arbitrator

Signature Date


Howard S. Wacker
Public Arbitrator

1/30/07
Signature Date

Mercedes G. Johnson
Non-Public Arbitrator

Signature Date

2/9/07
Date of Service