

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Sarah M. Hall (Claimant) vs. Avalon Investment & Securities Group, Inc. (Respondent)

Case Number: 05-06598

Hearing Site: Hartford, Connecticut

Nature of the Dispute: Customer vs. Member

REPRESENTATION OF PARTIES

Claimant Sarah M. Hall hereinafter referred to as "Claimant": Sid M. Miller, Esq., Miller & Goldman, Hamden, CT.

Respondent Avalon Investment & Securities Group, Inc. hereinafter referred to as "Respondent": Ken Cantrell, Esq., Avalon Investment & Securities Group, Inc., Muscle Shoals, AL.

CASE INFORMATION

Statement of Claim filed on or about: December 21, 2005.

Claimant's Motion to Dismiss Arbitration Without Prejudice filed on or about: March 7, 2006.

Claimant's Answer to Respondent's Claim for Indemnification filed on or about: March 7, 2006.

Claimant's Response to Respondent's Amended Answer and Motion to Dismiss filed on or about: March 22, 2006.

Claimant signed the Uniform Submission Agreement: December 21, 2005.

Statement of Answer filed by Respondent on or about: February 14, 2006.

Amended Statement of Answer and Motion to Dismiss filed by Respondent on or about: March 8, 2006.

Response to Claimant's Motion to Dismiss Arbitration Without Prejudice filed by Respondent on or about: March 15, 2006.

Respondent signed the Uniform Submission Agreement: February 14, 2006.

CASE SUMMARY

Claimant asserted the following causes of action: breach of contract, suitability, misrepresentations, failure to supervise, control person liability, and violations of the Connecticut General Statutes Section 36b-29. The causes of action relate to LifeTime Capital, Inc. life insurance contracts.

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 compensatory damages in the amount of \$29,957.37, forum fees, attorneys' fees, and witness and production fees.

Respondent requested dismissal of the Statement of Claim in its entirety with prejudice, indemnification, and reimbursement of fees and expenses.

OTHER ISSUES CONSIDERED AND DECIDED

Prior to filing for arbitration, Claimant commenced a civil action against Respondent in the Connecticut State Superior Court at New Haven. On Motion of Respondent, the Superior Court stayed the matter pending an arbitration hearing.

An initial pre-hearing conference was held telephonically on June 13, 2006. Participating in the hearing were the Panel and party representatives. During the hearing, the Panel heard oral arguments on Claimant's Motion to Dismiss the Arbitration Without Prejudice. After due deliberation, by Order dated June 26, 2006, the Panel determined to grant Claimant's 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 evidence and testimony presented at the June 13, 2006 telephonic conference, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimant's claims are dismissed in their entirety without prejudice.
2. The Panel makes no determination on the merits of the claims.
3. The parties are ordered to return to the Connecticut State Superior Court at New Haven.
4. Each party shall bear its own legal fees and costs.
5. Respondent shall bear NASD forum fees.
6. 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 = \$ 150.00

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, Avalon Investment & Securities Group, Inc. is a party.

Member Surcharge = \$ 600.00

Pre-Hearing Process Fee = \$ 750.00

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 Panel, 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 a single arbitrator @ \$600.00 = \$ 600.00

Pre-hearing conference: June 13, 2006 1 session

Total Forum Fees = \$ 600.00

1. The Panel has assessed \$600.00 of the forum fees to Respondent.

Fee Summary

1. Claimant is solely liable for:

Initial Filing Fee = \$ 150.00

Total Fees = \$ 150.00

Less payments = \$ 600.00

Refund Due Claimant = \$ 450.00

2. Respondent is solely liable for:

Member Fees = \$ 1,350.00

Forum Fees = \$ 600.00

Total Fees = \$ 1,950.00

Less payments = \$ 2,350.00


Refund Due Respondent = \$ 400.00

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

ARBITRATION PANEL

Charles Fredericks, Jr., Esq.	-	Public Arbitrator, Presiding Chairperson
Robert S. Getman, Esq.	-	Public Arbitrator
Bernard A. Kesselman, Esq.	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures


Charles Fredericks, Jr., Esq.
Public Arbitrator, Presiding Chairperson

07/11/06
Signature Date

Robert S. Getman, Esq.
Public Arbitrator

Signature Date

Bernard A. Kesselman, Esq.
Non-Public Arbitrator

Signature Date

July 5, 2006
Date of Service (For NASD Dispute Resolution use only)

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