

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant
William M. Baird

Case Number: 05-06600

Name of the Respondent
Morgan Keegan & Company, Inc.

Hearing Site: Tampa, Florida

Nature of the Dispute: Customer vs. Member.

REPRESENTATION OF PARTIES

For William M. Baird, hereinafter referred to as "Claimant": Elihu H. Berman, Esq., Elihu H. Berman, P.A., Clearwater, Florida.

For Morgan Keegan & Company, Inc. ("Morgan Keegan"), hereinafter referred to as "Respondent": Shea O'Brian Hicks, Vice President & Associate Attorney, Morgan Keegan & Company, Inc., Memphis, Tennessee.

CASE INFORMATION

Statement of Claim filed on or about: December 27, 2005.

Claimant signed the Uniform Submission Agreement: December 16, 2005.

Statement of Answer filed by Respondent on or about: March 3, 2006.

Respondent signed the Uniform Submission Agreement: March 3, 2006.

Motion to Dismiss filed by Respondent on or about: March 3, 2006.

Claimant's Response to Respondent's Motion to Dismiss filed on or about: April 10, 2006.

Respondent's Reply Brief in Further Support of its Motion to Dismiss filed on or about: April 20, 2006.

CASE SUMMARY

Claimant asserted the following causes of action: violations of NASD Rules 2310, 2310-2(4), 2120, 2210-1 and 3010; unauthorized trading; unsuitability; fraud; failure to supervise; and, negligence. The causes of action relate to Claimant's investment in various technology stocks.

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 \$500,000.00 and costs.

Respondent requested that all of Claimant's claims be dismissed, with prejudice, and that it be awarded its attorneys' fees, expenses, costs and such other relief as the Panel deemed just and equitable.

OTHER ISSUES CONSIDERED AND DECIDED

Respondent filed a Motion to Dismiss wherein it asserted that Claimant's claims are time barred by the applicable statute of limitations. Claimant replied that the Panel did not yet have before it facts from which it can determine whether or not Claimant's claims are time barred. On or about May 2, 2006, the Panel issued an Order denying Respondent's Motion to Dismiss in all respects, without prejudice. The Panel further ordered that Respondent is granted the option to renew its Motion to Dismiss at the appropriate time during the evidentiary hearing.

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, and the post-hearing submissions (if any), the Panel has decided in full and final resolution of the issues submitted for determination as follows:

Claimant's claims are denied in their entirety.

Respondent's request for attorneys' fees is denied.

Any and all claims for relief not specifically addressed herein 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	= \$ 300.00
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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(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. Accordingly, Respondent Morgan Keegan is a member firm and a party.

Member surcharge	= \$1,700.00
Pre-hearing process fee	= \$ 750.00
<u>Hearing process fee</u>	<u>= \$2,750.00</u>

Total Member Fees = \$5,200.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

No adjournment fees were incurred 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 three-day cancellation fees were incurred in this matter.

Injunctive Relief Fees

Injunctive relief fees are assessed to each member or associated person who files for a temporary injunction in court. Parties in these cases are also assessed arbitrator travel expenses and costs when an arbitrator is required to travel outside his or her hearing location and additional arbitrator honoraria for the hearing for permanent injunction. These fees, except the injunctive relief surcharge, are assessed equally against each party unless otherwise directed by the Panel.

No injunctive relief fees were incurred in this matter.

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

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

Three (3) Pre-hearing sessions with the Panel @ \$1,125.00/session = \$3,375.00
Pre-hearing conferences: May 2, 2006 1 session
June 2, 2006 1 session
October 19, 2006 1 session

Five (5) Hearing sessions @ \$1,125.00/session = \$5,625.00
Hearing Dates: February 6, 2007 2 sessions
February 7, 2007 3 sessions

Total Forum Fees = \$9,200.00

The Panel has assessed \$4,600.00 of the forum fees to Claimant.
The Panel has assessed \$4,600.00 of the forum fees to Respondent.

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 in this matter.

Fee Summary

Claimant is solely liable for:

Initial Filing Fee	= \$ 300.00
Forum Fees	= \$4,600.00
Total Fees	= \$4,900.00
Less payments	= \$1,425.00
Balance Due NASD Dispute Resolution	= \$3,475.00

Respondent is solely liable for:

Member Fees	= \$5,200.00
Forum Fees	= \$4,600.00
Total Fees	= \$9,800.00
Less payments	= \$5,200.00
Balance Due NASD Dispute Resolution	= \$4,600.00

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

ARBITRATION PANEL

Arnold Levine, Esq.	-	Public Arbitrator, Presiding Chairperson
Daniel R. Kulik, CPA	-	Public Arbitrator
Joseph G. Lananna	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

/s/
Arnold Levine, Esq.
Public Arbitrator, Presiding Chairperson

February 12, 2007
Signature Date

/s/
Daniel R. Kulik, CPA
Public Arbitrator

February 12, 2007
Signature Date

/s/
Joseph G. Lananna
Non-Public Arbitrator

February 12, 2007
Signature Date

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Date of Service (For NASD Dispute Resolution office use only)

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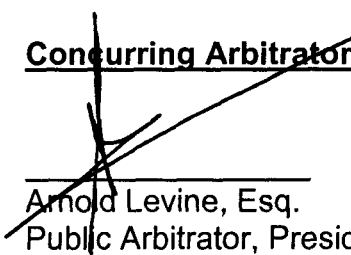
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Signature Date

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Daniel R. Kulik, CPA
Public Arbitrator

Signature Date


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Joseph G. Lananna
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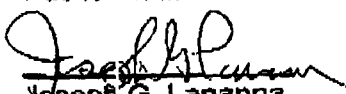
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02/12/07
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