

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

The Anne C. Leitch Trust, Claimant v. Edward D. Jones & Co. and Gregory B. Theobald, Respondents

Case Number: 06-00461

Hearing Site: San Francisco, California

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

REPRESENTATION OF PARTIES

For Claimant:

Anne C. Leitch
Walnut Creek, California

For Respondents:

Joseph B. Genster
Hillis Clark Martin & Peterson
Seattle, Washington

CASE INFORMATION

Statement of Claim filed: January 24, 2006

Supplement to Statement of Claim filed: June 8, 2006

Claimant's Uniform Submission Agreement signed: January 20, 2006

Joint Statement of Answer of Respondents Edward D. Jones & Co. and Gregory B. Theobald filed: March 27, 2006

Edward D. Jones & Co.'s Uniform Submission Agreement signed: February 28, 2006

Gregory B. Theobald's Uniform Submission Agreement filed: May 8, 2006

CASE SUMMARY

Claimant alleged that Respondents made inappropriate and unauthorized trades in Claimant's account. Claimant's dispute involved investments in various bond funds.

Respondents denied Claimant's allegations of wrongdoing and denied any liability to Claimant. Respondents also asserted affirmative defenses.

RELIEF REQUESTED

Claimant requested damages in the amount of \$17,027.00, interest in the amount of \$1,600.00 and reimbursement of Claimant's filing fee and hearing session deposit in the amount of \$575.00.

Respondents requested that the claims against them be dismissed, that Claimant be denied any legal or equitable relief, that the claims be expunged from Mr. Theobald's registration file, and that Edward D. Jones & Co. be awarded its costs and attorney's fees.

OTHER ISSUES CONSIDERED AND DECIDED

On or about June 28, 2006, Anne Cornish Leitch advised that Claimant did not intend to name Edward D. Jones & Co. as a party in this matter. Accordingly, Edward D. Jones & Co. was removed as a party in this matter.

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) This is a case of miscommunication. No issues of unsuitability, churning, or unauthorized trading were found. Accordingly, Respondent Gregory B. Theobald is liable to and shall pay Claimant, the sum of \$6,226.00 in commission fees.
- 2) a. The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Gregory B. Theobald's registration records maintained by Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 04-16, Respondent Gregory B. Theobald must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.
 - b. Unless specifically waived in writing by the NASD, parties seeking judicial confirmation of an arbitration award containing expungement relief must name NASD as an additional party and serve NASD with all appropriate documents.
 - c. Pursuant to Rule 2130, the Panel has made the following affirmative findings of fact: The claims brought by the Claimant against Gregory B. Theobald are false.
- 3) Each party shall bear its own costs, including attorney's fees.

4) All other relief 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	= \$125.00
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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, Edward D. Jones & Co. is a party and the following fees are assessed:

Member Surcharge	= \$425.00
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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:

(2) Pre-hearing conference sessions with a single arbitrator @ \$450.00/session	= \$900.00
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Pre-hearing conferences:	May 17, 2006	1 session
	June 22, 2006	1 session

(2) Hearing sessions @ \$450.00/session	= \$900.00
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Hearing Date:	September 26, 2006	2 sessions
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Total Forum Fees	= \$1,800.00
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The Panel assessed the \$1,800.00 in forum fees to Respondent Gregory B. Theobald.

Fee Summary

1. Claimant The Anne C. Leitch Trust is charged with the following fees and costs:

Initial Filing Fee	= \$ 125.00
Less Payments	= \$(575.00)
Refund Due Claimant	= \$(450.00)

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

Member Fees	= \$ 425.00
Less Payments	= \$(425.00)
Balance Due NASD Dispute Resolution	= \$ 0.00

3. Respondent Gregory B. Theobald is charged with the following fees and costs:

Forum Fees	= \$ 1,800.00
Less Payments	= \$(0.00)
Balance Due NASD Dispute Resolution	= \$ 1,800.00

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

ARBITRATION PANEL

Laurel Littman Gothelf

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Public Arbitrator, Presiding Chair

Presiding Arbitrator's Signature

Laurel Littman Gothelf
Chair, Public Arbitrator

Signature Date

Date of Service

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ARBITRATION PANEL

Laurel Litman Gothelf

- Public Arbitrator, Presiding Chair

Presiding Arbitrator's Signature


Laurel Litman Gothelf
Chair, Public Arbitrator

9-28-06
Signature Date

9/29/06
Date of Service