

**Award**  
**NASD Dispute Resolution**

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In the Matter of the Arbitration Between:

Eddie G. Reer (Claimant) vs. Edward D. Jones, Co. (Respondent)

Case Number: 06-00651

Hearing Site: Cleveland, Ohio

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Nature of the Dispute: Customer vs. Member.

**REPRESENTATION OF PARTIES**

Claimant Eddie G. Reer hereinafter referred to as "Claimant": Helen B. Bloch, Esq., Bellows and Bellows, Chicago, IL.

Respondent Edward D. Jones, Co. hereinafter referred to as "Respondent": Dennis K. Egan, Esq., Butzel Long, P.C., Bloomfield Hills, MI.

**CASE INFORMATION**

Statement of Claim filed on or about: February 8, 2006.

Response to Motion to Strike/Motion to Dismiss filed on or about: July 28, 2006.

Response to Motion to Dismiss Based on the Ohio Statute of Limitations filed on or about: September 15, 2006.

Claimant signed the Uniform Submission Agreement: February 3, 2006.

Statement of Answer filed by Respondent on or about: April 24, 2006.

Motion to Strike/Motion to Dismiss filed on or about: April 25, 2006.

Motion to Dismiss Based on the Ohio Statute of Limitations filed on or about: August 30, 2006.

Respondent signed the Uniform Submission Agreement: February 22, 2006.

**CASE SUMMARY**

Claimant asserted the following causes of action: breach of fiduciary duty, breach of contract, violation of the Securities Exchange Act, violation of the Ohio Securities Act, and violation of common law causes of action in tort. The causes of action relate to the purchase of various securities including Lucent stock.

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 \$54,434.00, punitive damages, costs including reasonable attorneys' fees and any further and additional relief the Arbitration Panel believes is just and equitable.

Respondent requested the dismissal of the Statement of Claim in its entirety.

### **OTHER ISSUES CONSIDERED AND DECIDED**

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, including punitive damages, 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 firms that employed the associated persons at the time of the events giving rise to the dispute. Accordingly, Edward D. Jones, Co. is a party.

Member surcharge	= \$1,100.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$1,700.00

#### **Adjournment Fees**

Adjournments granted during these proceedings for which fees were assessed:

October 30-November 2, 2006 adjournment by Respondent	= \$Waived
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#### **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 a single arbitrator @ \$450.00 = \$ 450.00  
Pre-hearing conferences: November 17, 2006 1 session

Three (3) Pre-hearing sessions with Panel @ \$750.00 = \$2,250.00  
Pre-hearing conference: July 7, 2006 1 session  
August 8, 2006 1 session  
September 25, 2006 1 session

Seven (7) Hearing sessions @ \$750.00 per session = \$5,250.00  
Hearing Dates: January 16, 2007 2 sessions  
January 17, 2007 3 sessions  
January 18, 2007 2 sessions

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Total Forum Fees = \$7,950.00

1. The Panel has assessed \$7,950.00 of the forum fees to Respondent.

**Fee Summary**

1. Claimants are solely liable for:

<u>Initial Filing Fee</u>	= \$ 225.00
<u>Total Fees</u>	= \$ 225.00
<u>Less payments</u>	= \$ 975.00
<u>Refund Due Claimant</u>	= \$ 750.00

2. Respondent is solely liable for:


<u>Member Fees</u>	= \$ 3,550.00
<u>Forum Fees</u>	= \$ 7,950.00
<u>Total Fees</u>	= \$11,500.00
<u>Less payments</u>	= \$ 3,550.00
<u>Balance Due NASD Dispute Resolution</u>	= \$ 7,950.00

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

**ARBITRATION PANEL**

Ellen Holland Keller, J.D.	-	Public Arbitrator, Presiding Chairperson
Jeffrey M. Bain, Esq.	-	Public Arbitrator
Robert P. Weisberger	-	Non-Public Arbitrator

**Concurring Arbitrators' Signatures**

  
Ellen Holland Keller, J.D.  
Public Arbitrator, Presiding Chairperson

1/23/2007  
Signature Date

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Jeffrey M. Bain, Esq.  
Public Arbitrator

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Robert P. Weisberger  
Non-Public Arbitrator

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Signature Date

January 24, 2007  
Date of Service (For NASD Dispute Resolution use only)

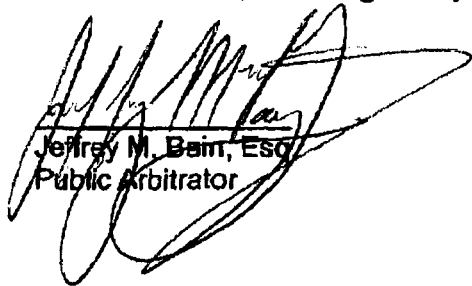
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