

**Award  
NASD Dispute Resolution**

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In the Matter of the Arbitration Between:

Name of the Claimant  
Vickie Stogner

Case Number: 06-01835

Names of the Respondents  
Edward D. Jones & Co.  
Henry Todd Young

Hearing Site: New Orleans, Louisiana

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

**REPRESENTATION OF PARTIES**

For Vickie Stogner, hereinafter referred to as "Claimant": William C. Rowe, Esq. and Sherri A. Young, Esq., Rowe Law Firm, Baton Rouge, Louisiana.

For Edward D. Jones & Co. ("EDJ") and Henry Todd Young ("Young"), hereinafter collectively referred to as Respondents: George D. Ernest, III, Esq., Hurlburt, Privat & Monroe, Lafayette, Louisiana.

**CASE INFORMATION**

Statement of Claim filed on or about: April 11, 2006.

Claimant signed the Uniform Submission Agreement on: January 19, 2006.

Statement of Answer filed by Respondents on or about: June 6, 2006.

Respondent EDJ signed the Uniform Submission Agreement on: May 1, 2006.

Respondent Young signed the Uniform Submission Agreement on: May 26, 2006.

**CASE SUMMARY**

Claimant asserted the following causes of action: 1) negligence; 2) failure to provide competent financial advice; 3) misrepresentation and omissions in connection with tax consequences; and, 4) breach of contract. The causes of action relate to the distribution of funds from Claimant's deceased husband's 401K Pension Equity Plan (the "Plan") which allegedly resulted in adverse tax consequences.

Unless specifically admitted in their Answer, Respondents denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

**RELIEF REQUESTED**

Claimant requested: 1) compensatory damages, as amended, in the amount of \$20,865.00; 2) interest; 3) attorneys' fees; 4) costs; and, 5) other general and equitable relief available.

Respondents requested: 1) a dismissal of the Statement of Claim in its entirety; 2) reasonable attorneys' fees; 3) an assessment of forum fees and other fees and costs of this arbitration against Claimant; and, 4) expungement of all references to this matter from Respondents' NASD Central Registration Records ("CRD").

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

During the evidentiary hearing on or about December 11, 2006, Claimant moved to amend her claim to increase her claim for damages from \$14,245.33 to \$20,865.00. Respondents objected to this request. The Arbitrator granted Claimant's request.

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 Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

The Arbitrator finds for the Respondents. Accordingly, Claimant's claims are denied in their entirety.

The Arbitrator recommends the expungement of all reference to the above captioned arbitration from Respondents EDJ and Young's registration records maintained by the NASD CRD, with the understanding that pursuant to NASD Notice to Members 04-16, Respondents EDJ and Young must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

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.

Pursuant to Rule 2130, the Arbitrator has made the following affirmative findings of fact:

The claims and allegations of the Claimant are clearly erroneous and without merit.

Any and all claims for relief not specifically addressed herein including the parties' respective requests for attorneys' fees, 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 = \$ 125.00

### **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, Respondent EDJ is a party and member firm.

Member surcharge	= \$ 425.00
Total Member Fees	= \$ 425.00

### **Adjournment Fees**

Adjournments granted during these proceedings for which fees were assessed:

There were no adjournment fees assessed during these proceedings.

### **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:

There were no three-day cancellation fees assessed during these proceedings.

### **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.

There were no injunctive relief fees assessed during these proceedings.

### **Forum Fees and Assessments**

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

Three (3) Pre-hearing sessions with a single arbitrator @ \$450.00/session = \$1,350.00

Pre-hearing conferences:	August 8, 2006	1 session
	September 20, 2006	1 session
	October 24, 2006	1 session

Two (2) Hearing sessions with a single arbitrator @ \$450.00/session	= \$ 900.00
Hearing Date:	December 11, 2006 2 sessions

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Total Forum Fees = \$2,250.00

The Arbitrator has assessed \$1,125.00 of the forum fees to Claimant.  
The Arbitrator has assessed \$1,125.00 of the forum fees jointly and severally to Respondents.

**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 are not limited to, additional copies of arbitrator awards, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

There were no administrative costs incurred during these proceedings.

**Fee Summary**

Claimant is solely liable for:

Initial Filing Fee	= \$ 125.00
Forum Fees	= \$ 1,125.00
Total Fees	= \$ 1,250.00
Less payments	= \$ 875.00
Balance Due NASD Dispute Resolution	= \$ 375.00

Respondent EDJ is solely liable for:

Member Fees	= \$ 425.00
Total Fees	= \$ 425.00
Less payments	= \$ 425.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondents are jointly and severally liable for:

Forum Fees	= \$ 1,125.00
Total Fees	= \$ 1,125.00
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 1,125.00

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

**ARBITRATOR**

Francis Frank Fontenot, JD

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Public Arbitrator

**Arbitrator's Signature**

/s/

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Francis Frank Fontenot, JD  
Public Arbitrator

12/15/06

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

December 15, 2006

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

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Arbitrator's Signature

  
Francis Frank Fontenot, JD  
Public Arbitrator

December 15, 2006  
Signature Date

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