

## **NASD AWARD**

**NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.**

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**In the Matter of the Arbitration Between**

**Nation River Holdings, Ltd.**

**Claimants**

**NASD Arbitration  
No. 95-01638**

**v.**

**Terence L. Ross  
A.G. Edwards & Sons, Inc.**

**Respondents**

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### **REPRESENTATION OF PARTIES**

Nation River Holdings, Ltd. ("Claimant") was represented by John Hallis.

Terence L. Ross and A.G. Edwards & Sons, Inc. ("Respondents") was represented by Michael D. Gates, Esq., A.G. Edwards & Sons, Inc., St. Louis, Missouri.

### **CASE INFORMATION**

Claimants' Statement of Claim was filed on or about March 29, 1995. Claimants' Submission Agreement was signed on March 25, 1995.

Respondents Terence L. Ross and A.G. Edwards & Sons, Inc. Joint Statement of Answer was filed on or about June 15, 1995. The Submission Agreement for Terence L. Ross was signed on June 14, 1995. A.G. Edwards & Sons, Inc. Submission Agreement was signed on June 14, 1995.

### **HEARING INFORMATION**

A telephonic hearing was held on August 28, 1996. The hearing lasted one session.

### **CASE SUMMARY**

Claimant alleges that the Respondents induced his purchase of a certain stock with material misrepresentations. Claimant further alleges that the Respondents breached their fiduciary duty to the Claimant and that the account was handled negligently.

Respondent denied the allegations set forth in the Statement of Claim. Respondents specifically argued the Claimant failed to complain about the transaction in the account within the mandated ten

day period. Respondents further argued that Claimant failed to mitigate any damages and that the Claimant knowingly and voluntarily assumed the risks associated with investing in securities.

### **RELIEF REQUESTED**

Claimant requested an award in the amount of \$2,150.00 in actual damages and \$300.00 in punitive damages.

Respondents requested that the claims asserted against it be denied in their entirety and that it be awarded its costs.

### **AWARD**

After considering the pleadings and the testimony, the undersigned arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. Each and every claim of the Claimant is denied.
2. Claimants' request for punitive damages is denied.
3. Each side must bear their own costs.

### **FORUM FEES**

Forum fees are calculated at the rate of \$25 per hearing session. There was 1 session x \$25 = \$25 in forum fees. Pursuant to §43(b) of the NASD Code of Arbitration Procedure (the "Code"), a hearing session is any meeting between the parties and the arbitrator(s), including a pre-hearing conference with an arbitrator, which lasts four (4) hours or less. Pursuant to § 43(c) of the Code of Arbitration Procedure, forum fees are assessed against the claimant.

Total Fees	
1 Hearing Session @ \$25.00 =	\$25.00
Total	<u>\$25.00</u>
Claimant's share	\$25.00
Claimant's credit for deposit	<u>\$25.00</u>
Claimant's balance	\$ -0.00-

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Pursuant to §43(c) of the Code, the NASD shall retain the non-refundable filing fee in the amount of \$25 and shall retain as forum fees the hearing session deposit in the amount of \$25 previously deposited with the NASD by the Claimant Nation River Holdings, Ltd.

Pursuant to §45 of the Code, the NASD shall retain the member surcharge fee in the amount of \$100 previously paid by A.G. Edwards & Sons, Inc.

Fees are payable to the National Association of Securities Dealers, Inc.



Walter P. Hitchcock, Esq.  
Public Arbitrator, Presiding Chair

Dated:

10/8/96