

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the matter of the Arbitration Between

Name of Claimant

James M. Mosher

NASD Arbitration
No.95-02062

Name of Respondent

Edward D. Jones & Company
Abraham Dye
Jack Cahill

REPRESENTATION

For Claimant: Jeffrey N. Daly, Esq., Walnut Creek, California

For Respondent: Mary Ann Wymore, Esq., Greensfelder, Hemker & Gale, P.C. St. Louis,
Missouri

CASE INFORMATION

Statement of Claim filed April 28, 1995

Claimant's Submission Agreement signed April 24, 1995

Joint Statement of Answer filed August 7, 1995

Revised Joint Statement of Answer filed August 8, 1995

Respondents' Submission Agreements Signed:

Edward D. Jones & Co.:	May 30, 1996
Abraham Dye	: May 30, 1995
Jack Cahill	: June 6, 1995

HEARING INFORMATION

The evidentiary hearing was held in San Francisco, California, as follows:

April 10, 1996	-	2 sessions
April 12, 1996	-	2 sessions
May 2, 1996	-	2 sessions
May 3, 1996	-	3 sessions

CASE SUMMARY

Claimant alleged wrongful termination, age and disability discrimination with respect to the termination of his employment with Edward D. Jones & Co. Claimant also alleged breach of contract and harassment, infliction of emotional distress and oppression. Claimant alleged that during a mandatory physical exercise class held as part of a training seminar for new employees he was injured. Claimant alleged his injuries resulted in surgery to remove certain cervical vertebrae and to fuse others. Claimant alleged Respondents failed to make the legally mandated reasonable accommodations for his physical injuries until the "last moment", and further that the individual respondents ridiculed Claimant with respect to his injuries, then wrongfully terminated Claimant.

Respondents denied the allegations of wrongdoing, and asserted that Claimant was an at-will employee who was terminated only for lack of performance after Respondents made every reasonable, requested accommodation for Claimant.

RELIEF REQUESTED

Claimant requested damages as amended at hearing, of \$425,000 in general damages for wage loss over his lifetime, \$65,000 in ancillary damages, \$70,000 for emotional distress, \$800,000 in punitive damages, and \$35,000 in attorney's fees.

Respondents requested dismissal of all claims.

OTHER ISSUES CONSIDERED AND DECIDED

This claim was originally filed on August 26, 1994 in the Marin County (California) Superior Court, Case No. 161423, and was removed to arbitration pursuant to stipulation of the parties.

The parties have agreed that the Award in this matter may be executed in either counterpart copies or that a handwritten, signed Award may be entered. In either case, the parties have agreed to receive conformed copies of the Award while the originals remain on file with the NASD.

AWARD

After considering the pleadings, the testimony and the evidence presented at the hearing, the undersigned arbitrators have decided in full and final resolution of the issues submitted for determination as follows:

1. All claims asserted against Respondents Abraham Dye and Jack Cahill are dismissed in their entirety.
2. Respondent Edward D. Jones & Co. is liable for and shall pay to Claimant the sum of \$30,000 exactly as and for compensatory damages.
3. The remaining claims for ancillary damages, emotional distress damages and punitive damages are dismissed.
4. The parties shall bear their respective costs, including attorney's fees.

FORUM FEES

Pursuant to Section 44(c) of the Code of Arbitration Procedure, Respondent Edward D. Jones & Co. is assessed all forum fees:

9 hearing sessions @ \$1000/session	\$9000
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Fees are payable to the NASD, Inc.

ARBITRATORS

<u>Name</u>	<u>Public / Industry</u>
Robert L. Gorman	Public
Harve E. Citrin	Public
Paul D. Allen	Industry

Concurring Arbitrators' Signatures

Robert L. Gorman

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Paul D. Allen	Industry

Concurring Arbitrators' Signatures



Robert L. Gorman

Harve Eliot Citrin
Harve E. Citrin

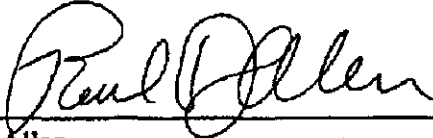
5/20/96

Dated: _____

Paul D. Allen

Date Served: May 29, 1996

Harve E. Citrin


Paul D. Allen

Dated: 5/22/96

Date Served: May 29, 1996