

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between

Name of Claimant

Joseph S. Garner, Jr.

Case No. 99-02229

Names of Respondents

Edward D. Jones & Co.
Rodney Lee Cantrell
Craig Joseph Basler

REPRESENTATION OF PARTIES

For Joseph S. Garner, Jr., hereinafter referred to as "Claimant": Margaret A. Garner, Esq. of Margaret Ann Garner, Newport, North Carolina.

For Edward D. Jones & Co. ("Edward"), Rodney Lee Cantrell ("Cantrell") and Craig Joseph Basler ("Basler"), hereinafter collectively referred to as "Respondents": Lisa A. Nielsen, Esq. of Greensfelder, Hemker & Gale, P.C., St. Louis, Missouri.

CASE INFORMATION

Statement of Claim filed on or about: May 14, 1999.

Claimant signed the Uniform Submission Agreement on: May 12, 1999.

Statement of Answer filed by Respondents on or about: September 15, 1999.

Respondent Edward signed the Uniform Submission Agreement on: August 3, 1999.

Respondent Cantrell signed the Uniform Submission Agreement on: August 5, 1999.

Respondent Basler signed the Uniform Submission Agreement on: August 2, 1999.

Amended Statement of Claim filed on or about: November 22, 1999.

Amended Statement of Answer filed on or about: December 6, 1999.

CASE SUMMARY

Claimant asserted the following causes of action: 1) violations of Rule 10b-5 of the Securities and Exchange Act of 1934; 2) violations of Rule 10b-16 of the Securities and Exchange Act of 1934; 3) breach of fiduciary duty; 4) negligence; 5) unsuitability; 6) unfair dealing; 6) breach of contract; and 7) failure to supervise. The causes of action relate to the improper management of investments in Claimant's account, including shares of stock in Flanders Corporation.

Unless specifically admitted in their Answer, Respondents denied the allegations made in the Statement of Claim and asserted the following defenses: 1) Claimant failed to state a claim upon which relief may be granted; 2) Claimant assumed the risks of his investments; 3)

Claimant authorized all transactions at issue; 4) Claimant is barred from recovery by the doctrines of waiver and release; 5) Claimant ratified all transactions at issue; 6) Claimant's losses, if any, were caused by Claimant's contributory negligence or comparative negligence; 7) Claimant failed to mitigate his damages; 8) there is no private cause of action for violations of the NASD or NYSE rules; and 9) Claimant is barred from recovery by the applicable statute of limitations.

RELIEF REQUESTED

Claimant requested: 1) compensatory damages in the amount of \$550,055.00 representing the loss in value of Claimant's account; 2) compensatory damages in the amount of \$88,000.00 representing the deposits paid by Claimant to meet margin calls; 3) compensatory damages in the amount of \$12,073.24 representing reimbursement of commissions and fees; 4) punitive damages in the amount of \$500,000.00; 5) margin interest in the amount of \$24,144.19; 6) pre-judgment interest; 7) costs; and 8) such other relief the undersigned arbitrators (the "Panel") deemed just and proper.

Respondents requested: 1) dismissal of the Statement of Claim; and 2) expungement of all references to the above-captioned arbitration from Respondents Edward's, Cantrell's and Basler's registration records maintained by the NASD Central Registration Depository ("CRD").

OTHER ISSUES CONSIDERED AND DECIDED

At the evidentiary hearing, the Panel granted Respondents' oral motion to amend their Amended Statement of Answer. The Panel accepted Respondents' oral amendment to seek expungement of all references to the above-captioned arbitration from Respondents Edward's, Cantrell's and Basler's registration records maintained by the NASD CRD.

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, and the post-hearing submissions (if any), the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. All claims are dismissed with prejudice.
2. Claimant's request for punitive damages is denied.
3. In the event there is a notation on the NASD CRD with respect to Respondents Edwards, Cantrell and Basler, the Panel recommends the expungement of all references to the above-captioned arbitration from Respondents Edward's, Cantrell's and Basler's registration records maintained by the NASD CRD, with the understanding that pursuant to

NASD Notice to Members 99-09, Respondents Edward, Cantrell and Basler must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

4. All other requests for relief not specifically addressed herein are denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution, Inc. will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee	= \$300.00
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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 firm(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. In this matter, the member firm is a party.

Member surcharge	= \$1,500.00
Pre-hearing process fee	= \$ 600.00
Hearing process fee	= \$4,500.00

Adjournment Fees

Adjournments requested during these proceedings:

On September 27, 2000, the Panel denied Claimant's motion to adjourn the evidentiary hearing scheduled for October 4, 5 and 6, 2000.

Forum Fees and Assessments

The Panel assesses forum fees for each hearing session conducted. A hearing 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:

One (1) Pre-hearing session with a single arbitrator x \$450.00	= \$ 450.00
Pre-hearing conference: August 14, 2000 1 session	

One (1) Pre-hearing session with Panel x \$1,200.00	= \$1,200.00
Pre-hearing conference: January 21, 2000 1 session	

Five (5) Hearing sessions x \$1,200.00	= \$6,000.00
Hearing Dates: October 4, 2000 2 sessions	
October 5, 2000 2 sessions	
October 6, 2000 1 session	

Total Forum Fees	= \$7,650.00
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The Panel has assessed \$3,825.00 of the forum fees to Claimant.

The Panel has assessed \$3,825.00 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 including, but not limited to, additional copies of arbitrator awards beyond those provided without charge, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

Photocopy expense incurred by Claimant at the hearing = \$395.91

Fee Summary

Claimant be and hereby is solely liable for:

Initial Filing Fee	= \$ 300.00
Forum Fees	= \$3,825.00
Administrative Costs	= \$ 395.91
Total Fees	= \$4,520.91
<u>Less payments</u>	<u>= \$2,900.00</u>
Balance Due NASD Dispute Resolution, Inc.	= \$1,620.91

Respondent Edward be and hereby is solely liable for:

Member Fees	= \$6,600.00
Total Fees	= \$6,600.00
<u>Less payments</u>	<u>= \$6,600.00</u>
Balance Due NASD Dispute Resolution, Inc.	= \$0.00

Respondents Edward, Cantrell and Basler be and hereby are jointly and severally liable for:

Forum Fees	= \$3,825.00
Total Fees	= \$3,825.00
<u>Less payments</u>	<u>= \$ 0.00</u>
Balance Due NASD Dispute Resolution, Inc.	= \$3,825.00

All balances are due and payable to NASD Dispute Resolution, Inc.

Concurring Arbitrators' Signatures

/S/
Michael Lloyd Weisel, Esq.
Industry Arbitrator, Presiding Chair

Signature Date

/S/
Patricia Ann Tracey, Esq.
Public Arbitrator

Signature Date

/S/
Henry Wheeler, Esq.
Public Arbitrator

Signature Date

November 15, 2000

Date of Service (For NASD-DR office use only)

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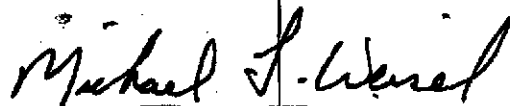
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Total Fees	= \$3,825.00
<u>Less payments</u>	<u>= \$ 0.00</u>
Balance Due NASD Dispute Resolution, Inc.	= \$3,825.00

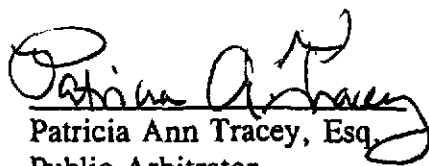
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Concurring Arbitrators' Signatures



Michael Lloyd Weisel, Esq.
Industry Arbitrator, Presiding Chair

11/13/00
Signature Date


Patricia Ann Tracey, Esq.
Public Arbitrator

11/2/01
Signature Date

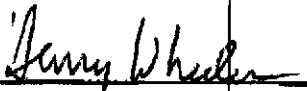
Henry Wheeler, Esq.
Public Arbitrator

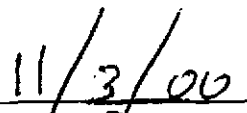
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Patricia Ann Tracey, Esq.
Public Arbitrator

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Public Arbitrator


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