

**Stipulated Award**  
**NASD Dispute Resolution, Inc.**

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In the Matter of the Arbitration Between:

Marion Bass Securities Corporation, Claimant v. Laura C. Farlow, Respondent

Case Number: 99-05312

Hearing Site: Charlotte, North Carolina

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**REPRESENTATION OF PARTIES**

For Claimant:

W. Shawn Murnahan, Esq.  
Alston & Bird LLP  
Atlanta, Georgia

For Respondent:

W. Joseph Dozier, Jr., Esq.  
Dozier, Miller, Pollard & Murphy  
Charlotte, North Carolina

Michael S. Malloy, Esq.  
Parker, Poe, Adams & Bernstein LLP  
Charlotte, North Carolina  
substituted as counsel on February 25, 2000

**CASE INFORMATION**

Statement of Claim filed on or about: November 23, 1999.

Claimant signed the Uniform Submission Agreement on: November 10, 1999.

Statement of Answer and Counterclaim filed by Respondent on or about: February 25, 2000.

Respondent signed the Uniform Submission Agreement on: February 25, 2000.

Reply to Counterclaim filed on or about: March 23, 2000.

**CASE SUMMARY**

Claimant asserted the following causes of action: 1) breach of contract; 2) unjust enrichment; and 3) bad faith. The causes of action relate to \$20,805.17 advanced as a draw against commissions to Respondent, a former employee of Claimant.

Respondent denied the allegations of wrongdoing set forth in Claimant's Statement of Claim and asserted the following causes of action in her Counterclaim: 1) accounting; and 2) violations of the North Carolina Wage and Hour Act.

### **RELIEF REQUESTED**

Claimant requested: 1) compensatory damages in the amount of \$20,805.17; 2) interest; 3) costs; 4) attorneys' fees; and 5) such other relief the undersigned arbitrator (the "Arbitrator") deemed just and proper.

Respondent requested: 1) dismissal of the Statement of Claim; 2) an accounting of all matters relating to Respondent's alleged deficit and any demands made for payment of the alleged deficit; 3) compensatory damages and statutory damages in an amount less than \$10,000.00; 4) interest; 5) attorneys' fees; and 6) such other relief that the Arbitrator deemed just and proper.

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

On or about July 14, 2000, Claimant notified NASD Dispute Resolution, Inc. that the parties had reached settlement in principle.

On or about September 12, 2000, NASD Dispute Resolution, Inc. received the parties' Joint Request for Dismissal with Prejudice wherein the parties jointly requested that the Arbitrator dismiss, with prejudice, all claims and order the parties to bear their respective costs and attorneys' fees.

On September 19, 2000, the Arbitrator ordered that: 1) the above-captioned arbitration proceeding and all claims made by the parties are dismissed, with prejudice, pursuant to Rule 10305 of the NASD Code of Arbitration Procedure; and 2) the parties shall bear their respective costs and attorneys' fees.

The parties agreed that the Stipulated Award in this matter may be executed in counterpart copies or that a handwritten, signed Stipulated Award may be executed.

### **AWARD**

After considering the pleadings, the parties' Joint Request for Dismissal with Prejudice, and the Arbitrator's Order entered on September 19, 2000, the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. All claims asserted in the above-captioned arbitration proceeding are dismissed, with prejudice.
2. The parties shall bear their respective costs and attorneys' fees.
3. All other requests for relief not specifically addressed herein are denied.

### **FEES**

Pursuant to the NASD Code of Arbitration Procedure, 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	= \$750.00
Counterclaim filing fee	= \$ 75.00

#### **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	= \$400.00
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#### **Adjournment Fees**

Adjournments requested during these proceedings:

There were no adjournments requested during these proceedings.

#### **Forum Fees and Assessments**

The Arbitrator has the authority to assess forum fees for each hearing session conducted. A hearing session is any meeting between the parties and the Arbitrator including a pre-hearing conference with the Arbitrator, that lasts four (4) hours or less. There were no forum fees associated with these proceedings as there were no pre-hearing sessions or hearing sessions conducted by the Arbitrator.

#### **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.

There were no administrative costs incurred during these proceedings.

### **FEE SUMMARY**

Claimant be and hereby is solely liable for:

Initial Filing Fee	= \$ 750.00
Member Fees	= \$ 400.00

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Total Fees	= \$1,150.00
Less payments	= \$1,150.00

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Balance Due NASD Dispute Resolution, Inc.	= \$0.00
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Respondent be and hereby is solely liable for:

Filing Fee	= \$75.00
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Total Fees	= \$75.00
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Less payments	= \$75.00
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Balance Due NASD Dispute Resolution, Inc.	= \$0.00
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All balances are due and payable to NASD Dispute Resolution, Inc. immediately upon receipt of the Stipulated Award by the parties pursuant to Rule 10330(g) of the Code.

**ARBITRATION PANEL**

Landrum H. Henderson, Jr.

- Non-Public Arbitrator

**Arbitrator's Signature**

/s/

Landrum H. Henderson, Jr.  
Non-Public Arbitrator

Signature Date

July 9, 2001

Date of Service

Balance Due NASD Dispute Resolution, Inc.	= \$0.00
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Respondent be and hereby is solely liable for:

Filing Fee	= \$75.00
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Total Fees	= \$75.00
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Less payments	= \$75.00
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Balance Due NASD Dispute Resolution, Inc.	= \$0.00
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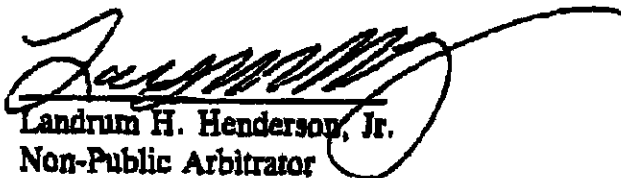
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**ARBITRATION PANEL**

Landrum H. Henderson, Jr.

Non-Public Arbitrator

Arbitrator's Signature

  
Landrum H. Henderson, Jr.  
Non-Public Arbitrator

7/09/01  
Signature Date

                      
Date of Service