

**Award**  
**NASD Dispute Resolution**

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In the Matter of the Arbitration Between:

Names of the Claimant

Case Number: 03-07691

Lynn A. Meier

Name of the Respondents

Hearing Site: Richmond, Virginia

Scott & Stringfellow, Inc.  
Douglas A. Stewart

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

**REPRESENTATION OF PARTIES**

Claimant Lynn A. Meier, hereinafter referred to as "Claimant", was represented by W. Scott Greco, Esq., Greco & Greco, P.C., McLean, Virginia.

Respondents Scott & Stringfellow, Inc. ("S&S") and Douglas A. Stewart ("Stewart"), hereinafter collectively referred to as "Respondents", was represented by Mark Shuford, Esq., LeClair Ryan, P.C., Richmond, Virginia.

**CASE INFORMATION**

Statement of Claim filed on October 24, 2003.

Claimant signed the Uniform Submission Agreement on October 20, 2003.

Statement of Answer filed by Respondents on December 23, 2003.

Respondent Stewart signed the Uniform Submission Agreement on December 9, 2003.

A representative of Respondent S&S executed the Uniform Submission Agreement on December 18, 2003.

**CASE SUMMARY**

Claimant asserted the following causes of action, among others: breach of fiduciary duty, fraud and securities fraud, unsuitability, negligence, and breach of contract. The causes of action relate to the purchase and sale of unspecified securities.

Unless specifically admitted in their Answer, Respondents denied the allegations made in the Statement of Claim and asserted the following defenses, among others: assumption of risk, any losses were the result of market forces, failure to mitigate, Respondents acted in good faith at all times, contributory negligence, and failure to state a claim upon which relief may be granted.

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**RELIEF REQUESTED**

Claimant in her Statement of Claim requested:

Compensatory Damages	\$127,953.65
Punitive Damages	\$250,000.00
Interest	6% per annum
Attorneys' Fees	amount unspecified
Other Costs	amount unspecified

Respondents in their Statement of Answer requested that the Statement of Claim be dismissed in its entirety, that Respondents be award their costs, fees and expenses, and this matter be expunged from Respondent Stewart's Central Registration Depository record.

**AWARD**

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

1. Respondents are jointly and severally liable to and shall pay to Claimant compensatory damages of \$60,530.00, plus simple interest at a rate of 5% per annum from August 31, 2003 until the date of payment in full;
2. The parties shall bear their respective costs, including attorneys' fees, except as Fees are specifically addressed below; and
3. Any and all relief not specifically addressed herein, including punitive damages, is denied in its entirety.

**FEES**

Pursuant to 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	= \$ 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 firms that employed the associated person(s) at the time of the events giving rise to the dispute. Accordingly, Respondent S&S is a party.

Member surcharge	= \$1,700.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$2,750.00
<b>Total Member Fees</b>	<b>= \$5,200.00</b>

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#### Forum Fees and Assessments

The Panel has assessed forum fees for each session conducted. A session is any meeting between the parties and the arbitrators, including a pre-hearing conference with the arbitrators, that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with Panel @ \$1,125.00	= \$1,125.00
Pre-hearing conference: May 5, 2004 1 session	
Four (4) Hearing sessions @ \$1,125.00	= \$4,500.00
Hearing Dates: January 25, 2004 2 sessions	
January 26, 2004 2 sessions	
<b>Total Forum Fees</b>	<b>= \$5,625.00</b>

1. The Panel has assessed \$2,812.50 of the forum fees to Claimant.
2. The Panel has assessed \$2,812.50 of the forum fees jointly and severally to Respondents.

#### FEES SUMMARY

1. Claimant is assessed and shall pay the following fees:	
Initial Filing Fee	= \$ 300.00
Forum Fees	= \$2,812.50
Total Fees	= \$3,112.50
Less payments	= \$1,425.00
Balance Due NASD Dispute Resolution	= \$1,687.50
2. Respondent S&S is assessed and shall pay the following fees:	
Member Fees	= \$5,200.00
Total Fees	= \$5,200.00
Less payments	= \$5,200.00
Balance Due NASD Dispute Resolution	= \$ 0.00
3. Respondents are jointly and severally assessed and shall pay the following fees:	
Forum Fees	= \$2,812.50
Total Fees	= \$2,812.50
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$2,812.50

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

#### ARBITRATION PANEL

Stuart H. Dunn, Esq.	-	Public Arbitrator, Presiding Chairperson
Arthur B. O'Connell	-	Public Arbitrator, Panelist
Anthony J. Frank	-	Non-Public Arbitrator, Panelist

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Concurring Arbitrators' Signatures

Stuart H. Dum

Stuart H. Dum, Esq.  
Public Arbitrator, Presiding Chairperson

2/9/05

Signature Date

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Arthur B. O'Connell  
Public Arbitrator, Panelist

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Signature Date

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Anthony J. Frank  
Non-Public Arbitrator, Panelist

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Signature Date

February 9, 2005  
Date of Service (For NASD Dispute Resolution office use only)

NASD Dispute Resolution


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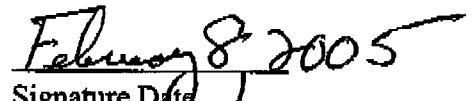
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Concurring Arbitrators' Signatures

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Stuart H. Dunn, Esq.  
Public Arbitrator, Presiding Chairperson


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

  
Arthur B. O'Connell  
Public Arbitrator, Panelist

  
Signature Date

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Anthony J. Frank  
Non-Public Arbitrator, Panelist

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Concurring Arbitrators' Signatures

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Stuart H. Dunn, Esq.  
Public Arbitrator, Presiding Chairperson

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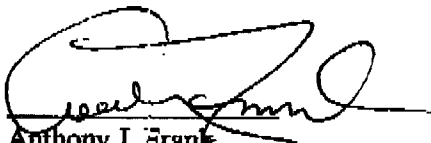
Signature Date

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Arthur B. O'Connell  
Public Arbitrator, Panelist

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Anthony J. Frank  
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