

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

In the Matter of the Arbitration Between:

Name of the Claimant  
Scott Carpenter

Case Number: 00-04526

Name of the Respondents  
Merrill Lynch Pierce Fenner & Smith, Inc.  
Thomas A. Seiler  
Charles J. Haraburda

Hearing Site: Philadelphia, Pennsylvania

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**REPRESENTATION OF PARTIES**

Claimant, Scott Carpenter ("Carpenter") hereinafter referred to as "Claimant": represented by John E. MacDonald, Esq., Stark & Stark, Lawrenceville, NJ.

Respondents, Merrill Lynch Pierce Fenner & Smith, Inc. ("MLPFS"), Thomas A. Seiler ("Seiler") and Charles J. Haraburda ("Haraburda"), hereinafter collectively referred to as "Respondents": represented by Alison Fiala Mullen, Esq., Rubin & Associates, P.C., Paoli, PA.

**CASE INFORMATION**

Statement of Claim filed on: October 10, 2000

Claimant signed the Uniform Submission Agreement: October 10, 2000

Statement of Answer filed by Respondents on: February 15, 2001

A representative of Respondent MLPFS signed the Uniform Submission Agreement: February 14, 2001

Respondent Seiler signed the Uniform Submission Agreement: February 15, 2001

Respondent Haraburda signed the Uniform Submission Agreement: February 14, 2001

**CASE SUMMARY**

Claimant asserted the following causes of action, among others: wrongful and abusive discharge, tortious interference with existing and prospective economic advantage, and defamation.

Unless specifically admitted in its Answer, Respondents denied the allegations of wrongdoing found in Claimant's Statement of Claim.

**RELIEF REQUESTED**

Claimant requested:

Compensatory Damages

\$1,000,000.00

Punitive Damages	unspecified
Attorneys' Fees	unspecified
Other Costs	unspecified

Respondents requested that Claimant's claims be denied in their entirety and that costs be assessed against Claimant.

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

Respondents' Motion for Partial Summary Judgment was denied.

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, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimant's claims are hereby denied in their entirety.
2. The parties shall bear their respective costs, including attorneys' fees, except as Fees are specifically addressed below.
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, Inc. will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee	= \$ 500
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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 that employed the associated person(s) at the time of the event(s) giving rise to the dispute. Accordingly, MLPFS is a party.

Member surcharge	= \$ 2,500
Pre-hearing process fee	= \$ 600
Hearing process fee	= \$ 4,500

**Forum Fees and Assessments**

The Panel has assessed forum fees for each session conducted. A 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 @ \$450	= \$ 450
Pre-hearing conference: January 31, 2002 1 session	

One (1) Pre-hearing session with Panel @ \$1,200	= \$1,200
Pre-hearing conference: July 24, 2001 1 session	

Five (5) Hearing sessions @ \$1,200	= \$ 6,000
Hearing Dates: March 12, 2002 2 sessions	
March 13, 2002 2 sessions	
April 25, 2002 1 session	

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Total Forum Fees	= \$7,650
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1. The Panel has assessed \$3,825 of the forum fees to Claimant.
2. The Panel has assessed \$3,825 of the forum fees to Respondent MLPFS.

**Fee Summary**

1. Claimant is solely liable for:	
Initial Filing Fee	= \$ 500
Forum Fees	= \$ 3,825
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Total Fees	= \$ 4,325
Less payments	= \$ 2,450
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Balance Due NASD Dispute Resolution, Inc.	= \$ 1,875
2. Respondent MLPFS is solely liable for:	
Member Fees	= \$ 7,600
Forum Fees	= \$ 3,825
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Total Fees	= \$ 11,425
Less payments	= \$ 7,600
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Balance Due NASD Dispute Resolution, Inc.	= \$ 3,825

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

NASD Dispute Resolution, Inc.

Arbitration No. 00-04526

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ARBITRATION PANEL

Sheldon Kapustin, Esq.	-	Public Arbitrator, Presiding Chairperson
Michael P. Marryshow, Esq.	-	Public Arbitrator, Panelist
Allen B. Lang	-	Non-Public Arbitrator, Panelist

Concurring Arbitrators' Signatures

Sheldon Kapustin  
Sheldon Kapustin  
Public Arbitrator, Presiding Chairperson

6/7/02  
Signature Date

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Michael P. Marryshow  
Public Arbitrator, Panelist

Signature Date

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Allen B. Lang  
Non-Public Arbitrator, Panelist

Signature Date

June 7, 2002  
Date of Service (For NASD Dispute Resolution office use only)

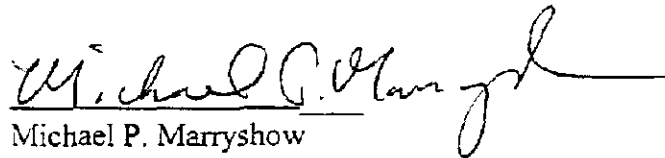
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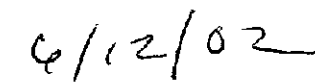
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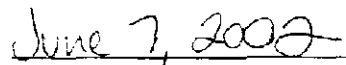
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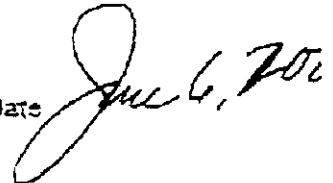
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