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

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In the Matter of the Arbitration Between:

Name of Claimant  
Patricia Dillon

Case Number: 01-00460

Names of Respondents  
Dean Witter Reynolds, Inc.  
Scott Hanawalt

Hearing Site: Boca Raton, Florida

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**REPRESENTATION OF PARTIES**

For Patricia Dillon ("Dillon"), hereinafter referred to as "Claimant": Lance P. Richard, Esq., Kohl & Richard, P.A., Stuart, Florida.

For Dean Witter Reynolds, Inc. ("DWI") and Scott Hanawalt ("Hanawalt"): Brad Kaufman, Esq., Greenberg Traurig, West Palm Beach, Florida.

**CASE INFORMATION**

Statement of Claim filed on or about: January 29, 2001.

Claimant signed the Uniform Submission Agreement: January 3, 2001.

Statement of Answer filed by Respondents on or about: April 11, 2001.

Respondent Hanawalt signed the Uniform Submission Agreement: April 18, 2001.

Respondent DWI signed the Uniform Submission Agreement: April 24, 2001.

Motion to Dismiss filed by Respondents on or about: April 11, 2001.

Claimant's Response to Respondents' Motion to Dismiss filed on or about: July 13, 2001.

Respondents' Reply in support of its Motion to Dismiss filed on or about: July 25, 2001.

**CASE SUMMARY**

Claimant asserted the following causes of action: negligence and breach of fiduciary duty. The causes of action relate to a beneficiary designation of an American Skandia variable rate annuity.

Unless specifically admitted in their Statement of Answer, Respondents denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

**RELIEF REQUESTED**

Claimant requested compensatory damages in the amount of \$159,126.94, plus prejudgment interest, costs, and such further relief as is deemed appropriate.

Respondents requested that all claims be dismissed in their entirety, and that all references to this matter be expunged from the NASD Central Registration Depository ("CRD") record of Respondent Hanawalt.

**OTHER ISSUES CONSIDERED AND DECIDED**

On or about July 31, 2001, the undersigned arbitrators (the "Panel") issued an Order that denied Respondents' Motion to Dismiss.

On or about March 27, 2003, the parties filed with NASD Dispute Resolution a Stipulation for Confirmation of Award for Expungement advising that the parties had resolved this matter, requesting an expungement of all references to this matter from Respondent Hanawalt's registration records maintained by the NASD CRD, and requesting entry of an Order by the Panel.

On or about May 21, 2003, the Panel entered an Order Directing Entry of Stipulated Award Expunging this Matter as to Respondent Hanawalt.

The parties agreed that the Stipulated Award in this matter may be executed in counterpart copies.

**AWARD**

After considering the pleadings and the Stipulation for Confirmation of Award for Expungement, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

The Panel recommends the expungement of all references to the above captioned arbitration from Respondent Hanawalt's non-public and public registration records maintained by the NASD CRD, with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondent Hanawalt must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

**FEES**

Pursuant to the NASD Code of Arbitration Procedure (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

**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 persons at the time of the events giving rise to the dispute. Accordingly, Respondent DWI is a member firm and a party.

Member Surcharge	= \$1,500.00
Pre-hearing process fee	= \$ 600.00
Hearing process fee	= \$2,500.00
Total Member Fees	= \$4,600.00

**Adjournment Fees**

No adjournments were granted during these proceedings for which fees were assessed.

**Injunctive Relief Fees**

Injunctive relief fees are assessed to each member or associated person who files for a temporary injunction in court. Parties in these cases are also assessed arbitrator travel expenses and costs when an arbitrator is required to travel outside his or her hearing location and additional arbitrator honoraria for the hearing for permanent injunction. These fees, except the injunctive relief surcharge, are assessed equally against each party unless otherwise directed by the panel.

No injunctive relief fees were incurred in this matter.

**Forum Fees and Assessments**

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

One (1) Pre-hearing session with the Panel @ \$ 1,125.00	= \$ 1,125.00
Pre-hearing conference: July 9, 2001	1 session

The Panel has assessed \$375.00 of the forum fees to Claimant.

The Panel has assessed \$375.00 of the forum fees to Respondent DWI.

The Panel has assessed \$375.00 of the forum fees to Respondent Hanawalt.

**Administrative Costs**

Administrative costs are expenses incurred due to a request by a party for special services beyond the normal administrative services. These include, but are not limited to, additional copies of arbitrator awards, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

No administrative costs were incurred in this matter.

**FEE SUMMARY**

Claimant is solely liable for:

Initial Filing Fee	= \$ 300.00
Forum fees	= \$ 375.00
Total Fees	= \$ 675.00
Less payments	= \$ 675.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent DWI is solely liable for:

Member Fees	= \$4,600.00
Forum Fees	= \$ 375.00
Total Fees	= \$4,975.00
Less payments	= \$4,975.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent Hanawalt is solely liable for:

Forum Fees	= \$ 375.00
Total Fees	= \$ 375.00
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 375.00

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

**ARBITRATION PANEL**

Allen J. Kaplan, Esq.	-	Public Arbitrator, Presiding Chair
Linda M. Granata, Esq.	-	Public Arbitrator
Cary L. Weissman	-	Non-Public Arbitrator

**Concurring Arbitrators' Signatures**

/s/  
Allen J. Kaplan, Esq.  
Public Arbitrator, Presiding Chairperson

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

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Arbitration No. 01-00460  
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/s/  
Linda M. Granata, Esq.  
Public Arbitrator

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

/s/  
Cary L. Weissman  
Non-Public Arbitrator

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

September 26, 2003  
Date of Service (For NASD Dispute Resolution office use only)

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Less payments	= \$4,975.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent Hanawalt is solely liable for:

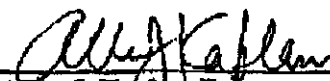
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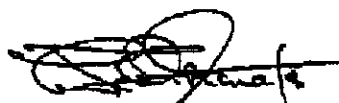
Allen J. Kaplan, Esq.	-	Public Arbitrator, Presiding Chair
Linda M. Granata, Esq.	-	Public Arbitrator
Cary L. Weissman	-	Non-Public Arbitrator

**Concurring Arbitrators' Signatures**

  
Allen J. Kaplan, Esq.  
Public Arbitrator, Presiding Chairperson

9/23/03  
Signature Date

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Linda M. Granata, Esq.  
Public Arbitrator

September 25, 2003

Signature Date

Cary L. Weissman  
Non-Public Arbitrator

Signature Date

Date of Service (For NASD Dispute Resolution office use only)

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\_\_\_\_\_  
Linda M. Granata, Esq.  
Public Arbitrator

  
Cary L. Weissman  
Non-Public Arbitrator

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

9/24/03  
Signature Date

\_\_\_\_\_  
Date of Service (For NASD Dispute Resolution office use only)