

Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Pamela H. Darling (Claimant) v. Christopher D. Bell, and du Pasquier & Co., Inc. (Respondents).

Case Number: 02-04771

Hearing Site: New York, New York

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

REPRESENTATION OF PARTIES

Claimant Pamela H. Darling ("Darling") hereinafter referred to as "Claimant": Eric M. Higgins, Esq., Wofsey, Rosen, Kweskin & Kuriansky, LLP, Stamford, CT.

Respondent du Pasquier & Co., Inc. ("du Pasquier"): Joseph Asaro, Esq., Carter Ledyard & Milburn, New York, NY.

Respondent Christopher D. Bell ("Bell"): Robert A. O'Hare, Jr., Esq., O'Hare Parnagian, LLP, New York, NY.

CASE INFORMATION

Statement of Claim filed on or about: August 9, 2002.

Amended Statement of Claim filed on or about: October 10, 2003.

Claimant signed the Uniform Submission Agreement: July 30, 2002.

Statement of Answer filed by Respondent du Pasquier on or about: December 12, 2002.

Respondent du Pasquier signed the Uniform Submission Agreement: December 4, 2002.

Statement of Answer filed by Respondent Bell on or about: January 12, 2004.

Respondent Bell signed the Uniform Submission Agreement: January 13, 2004.

CASE SUMMARY

Claimant asserted the following causes of action: breach of fiduciary duty; unsuitability; breach of contract; negligent supervision; misrepresentation; and unauthorized trading. The causes of action relate to high yield bonds and technology stocks.

Unless specifically admitted in its Answer, Respondent du Pasquier denied the allegations of wrongdoing set forth in the Statement of Claim and asserted various affirmative defenses.

Unless specifically admitted in his Answer, Respondent Bell denied the allegations of

wrongdoing set forth in the Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of approximately \$328,000; unspecified punitive damages; interest in the amount of \$100,000.00; forum fees in the amount of \$1,425.00; attorneys' fees in the amount of \$75,000.00; witness and production fees in the amount of \$15,000.00 and other case-related costs in the amount of \$5,000.00; and any further relief that the Panel may deem proper.

Respondent du Pasquier requested that the Panel dismiss with prejudice the Statement of Claim in its entirety.

Respondent Bell requested that the Panel dismiss the Statement of Claim in its entirety.

OTHER ISSUES CONSIDERED AND DECIDED

Respondents' counsel appeared at the commencement of the hearing on May 31, 2005 to notify the Panel that the Parties reached a settlement and of their intention to submit a Stipulated Award.

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

AWARD

The parties entered into an agreement to present to the Panel a Stipulated Award. Now, in lieu of a hearing and upon motion of both parties for an entry of an award, the written stipulation thereto, the Panel grants the motion and enters this award granting the following relief:

1. Claimant's claims against Respondents are hereby dismissed with prejudice in their entirety.
2. The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Bell's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondent Bell must obtain confirmation from a court of competent jurisdiction before CRD will execute the expungement directive.
3. Any and all relief not specifically addressed herein, including punitive damages, is denied.

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 firm that employed the associated person at the time of the events giving rise to the dispute. In this matter, the member firm du Pasquier is a party.

Member Surcharge	= \$ 1,700.00
Pre-Hearing Process Fee	= \$ 750.00
<u>Hearing Process Fee</u>	= \$ 2,750.00
Total Member Fees	= \$ 5,200.00

Adjournment Fees

The following adjournment fees are assessed:

April 4-8 2005, adjournment requested by Respondent Bell	= \$ Waived
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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. Forum fees associated with these proceedings are:

One (1) Pre-hearing conference session with a single arbitrator @ \$450.00	= \$ 450.00
Pre-hearing conference: June 27, 2003 1 session	

Two (2) Pre-hearing conference sessions with the Panel @ \$1,125.00	= \$ 2,250.00
Pre-hearing conferences: June 9, 2003 1 session	
April 14, 2004 1 session	

One (1) Hearing session @ \$1,125.00	= \$ 1,200.00
Hearing: May 31, 2005 1 session	

Total Forum Fees	= \$ 3,825.00
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1. In accordance with Rule 10306 of the NASD Code of Arbitration Procedure Claimant has been assessed \$1,275.00 of the forum fees.

2. In accordance with Rule 10306 of the NASD Code of Arbitration Procedure Respondent du Pasquier has been assessed \$1,275.00 of the forum fees.
3. In accordance with Rule 10306 of the NASD Code of Arbitration Procedure Respondent Bell has been assessed \$1,275.00 of the forum fees.

Fee Summary

1. Claimant is solely liable for:

Initial Filing Fee	= \$ 300.00
Forum Fees	= \$ 1,275.00
<hr/> Total Fees	<hr/> = \$ 1,575.00
Less payments	= \$ 1,425.00
<hr/> Balance Due NASD Dispute Resolution	<hr/> = \$ 150.00

2. Respondent du Pasquier is solely liable for:


Member Fees	= \$ 5,200.00
Forum Fees	= \$ 1,275.00
<hr/> Total Fees	<hr/> = \$ 6,475.00
Less payments	= \$ 8,550.00
<hr/> Refund Due Respondent du Pasquier	<hr/> = \$ 2,075.00

3. Respondents Bell is solely liable for:

Forum Fees	= \$ 1,275.00
<hr/> Total Fees	<hr/> = \$ 1,275.00
Less payments	= \$ 0.00
<hr/> Balance Due NASD Dispute Resolution	<hr/> = \$ 1,275.00

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

Parties' Signatures



Pamela H. Darling
Claimant

9/8/05

Signature Date

du Pasquier & Co., Inc.
Respondent

Signature Date

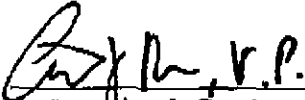
Christopher D. Bell
Respondent

Signature Date

Parties' Signatures

Pamela H. Darling
Claimant

Signature Date


du Pasquier & Co., Inc.
Respondent


Signature Date

Christopher D. Bell
Respondent

Signature Date

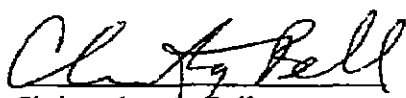
Parties' Signatures


Pamela H. Darling
Claimant

Signature Date

du Pasquier & Co., Inc.
Respondent

Signature Date


Christopher D. Bell
Respondent

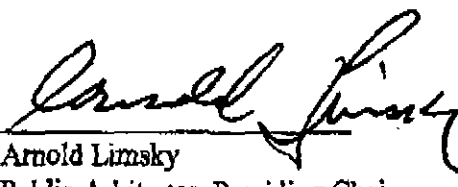

Signature Date

ARBITRATION PANEL

Arnold Linsky	-	Public Arbitrator, Presiding Chair
Donald Sanford Stroetzel	-	Public Arbitrator
Linda S. Cole	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

I, the undersigned arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument is which is my award.


Arnold Linsky
Public Arbitrator, Presiding Chair

1/17/06
Signature Date

Donald Sanford Stroetzel
Public Arbitrator

Signature Date

Linda S. Cole
Non-Public Arbitrator

Signature Date

January 26, 2006

Date of Service (For NASD office use only)

ARBITRATION PANEL


Arnold Limsky	-	Public Arbitrator, Presiding Chair
Donald Sanford Stroetzel	-	Public Arbitrator
Linda S. Cole	-	Non-Public Arbitrator

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Arnold Limsky
Public Arbitrator, Presiding Chair

Signature Date


Donald Sanford Stroetzel
Public Arbitrator

1-18-06
Signature Date

Linda S. Cole
Non-Public Arbitrator

Signature Date

January 26, 2006
Date of Service (For NASD office use only)

ARBITRATION PANEL

Arnold Limsky	-	Public Arbitrator, Presiding Chair
Donald Sanford Stroetzel	-	Public Arbitrator
Linda S. Cole	-	Non-Public Arbitrator

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Arnold Limsky
Public Arbitrator, Presiding Chair

Signature Date

Donald Sanford Stroetzel
Public Arbitrator

Signature Date



Linda S. Cole
Non-Public Arbitrator

1/19/06

Signature Date

January 26, 2006

Date of Service (For NASD office use only)