

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Merrill Lynch Pierce Fenner & Smith, Inc. (Claimant) v. Chad Copeland d/b/a Satellite Connection, Inc. a/k/a Black Diamond Enterprises, Inc. (Respondent)

Case Number: 02-05010

Hearing Site: Cincinnati, Ohio

REPRESENTATION OF PARTIES

Claimant, Merrill Lynch Pierce Fenner & Smith, Inc. ("Merrill") hereinafter referred to as "Claimant": Stephen M. Bales, Esq. and Scott Norcross, Esq., Ziegler, Metzger & Miller, LLP, Cleveland, OH.

Respondent, Chad Copeland d/b/a Satellite Connection, Inc. a/k/a Black Diamond Enterprises, Inc. ("Copeland") hereinafter referred to as "Respondent" did not enter an appearance in this matter.

CASE INFORMATION

Statement of Claim filed on or about: August 21, 2002.

Claimant signed the Uniform Submission Agreement: August 12, 2002.

Respondent did not file a Statement of Answer or sign a Uniform Submission Agreement.

CASE SUMMARY

Claimant asserted the following causes of action: breach of contract; and failure to pay for purchases of securities. Claimant's claim involved unspecified types of securities.

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$230,487.14, together with interest at the judgment rate of 10% per annum from March 14, 2000, together with all of its costs and expenses, including without limitation, a reasonable attorney's fee, and for all hearing deposits, session deposits, forum fees, and processing fees associated with this arbitration.

OTHER ISSUES CONSIDERED AND DECIDED

Upon review of the file and the representations made on behalf of the Claimant, the undersigned Panel determined that Respondent has been properly served with the Statement of Claim and received due notice of the hearing and that arbitration of the matter would proceed without said Respondent present, in accordance with the NASD Code of Arbitration Procedure (the "Code").

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, and 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. Respondent is liable for and shall pay to Claimant compensatory damages in the amount of \$230,487.14.
2. Respondent is liable for and shall pay to Claimant interest at the rate of 5% per annum from February 23, 2000 until the date of payment of the award.
3. Respondent is liable for and shall pay to Claimant attorneys' fees in the amount of \$15,000.00 in accordance with Ohio Statutes.
4. Respondent is liable for and shall pay to Claimant the sum of \$1,000.00, to reimburse Claimant for the filing fee previously paid to NASD Dispute Resolution.
5. Respondent is liable for and shall pay to Claimant Butler County Court of Common Pleas filing fees in the amount of \$150.00.
6. Any and all relief not specifically addressed herein 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	= \$1,000.00
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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. Accordingly, Merrill Lynch Pierce Fenner & Smith, Inc. is a party.

Member surcharge	= \$1,700.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$2,750.00

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: June 9, 2003 1 session	
One (1) Hearing session @ \$1,125.00	= \$1,125.00
Hearing Date: September 29, 2003 1 session	
Total Forum Fees	= \$2,250.00

1. The Panel has assessed \$2,250.00 of the forum fees against Respondent.

Fee Summary

1. Claimant is solely liable for:

Initial Filing Fee	= \$ 1,000.00
Member Fees	= \$ 5,200.00
Total Fees	= \$ 6,200.00
Less payments	= \$ 7,325.00
Refund Due Claimant	= \$ 1,125.00

2. Respondent is solely liable for:

Forum Fees	= \$2,250.00
Total Fees	= \$2,250.00
Less Payments	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$2,250.00

As stated in the "Award" section above, Respondent is liable and shall reimburse Claimant for the \$1,000.00 filing fee.

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

ARBITRATION PANEL

Charles D. Underwood, Jr., Esq.	-	Public Arbitrator, Presiding Chair
Lisa Shusterman	-	Public Arbitrator
W. Pat Conners	-	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.

Charles D. Underwood, Jr., Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

Lisa Shusterman
Public Arbitrator

Signature Date

W. Pat Conners
Non-Public Arbitrator

Signature Date

Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL

Charles D. Underwood, Jr., Esq.	-	Public Arbitrator, Presiding Chair
Lisa Shusterman	-	Public Arbitrator
W. Pat Conners	-	Non-Public Arbitrator

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Charles D. Underwood, Jr., Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

Lisa Shusterman
Public Arbitrator

Signature Date

W. Pat Conners
Non-Public Arbitrator

Signature Date

Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL

Charles D. Underwood, Jr., Esq.	-	Public Arbitrator, Presiding Chair
Lisa Shusterman	-	Public Arbitrator
W. Pat Conners	-	Non-Public Arbitrator

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Charles D. Underwood, Jr., Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

Lisa Shusterman
Public Arbitrator

Signature Date

W. Pat Conners
Non-Public Arbitrator

Signature Date

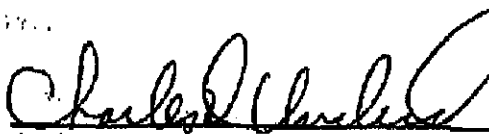
Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL

Charles D. Underwood, Jr., Esq.	-	Public Arbitrator, Presiding Chair
Lisa Shusterman	-	Public Arbitrator
W. Pat Conners	-	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.



Charles D. Underwood, Jr., Esq.
Public Arbitrator, Presiding Chairperson

Oct. 24, 2003

Signature Date

Lisa Shusterman
Public Arbitrator

Signature Date

W. Pat Conners
Non-Public Arbitrator

Signature Date

October 30, 2003

Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL

Charles D. Underwood, Jr., Esq.	-	Public Arbitrator, Presiding Chair
Lisa Shusterman	-	Public Arbitrator
W. Pat Conners	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

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Charles D. Underwood, Jr., Esq.
Public Arbitrator, Presiding Chairperson

Signature Date



Lisa Shusterman
Public Arbitrator

10.26.03

Signature Date

W. Pat Conners
Non-Public Arbitrator

Signature Date

October 30, 2003

Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL

Charles D. Underwood, Jr., Esq.	-	Public Arbitrator, Presiding Chair
Lisa Shusterman	-	Public Arbitrator
W. Pat Connors	-	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 in which is my award.

Charles D. Underwood, Jr., Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

Lisa Shusterman
Public Arbitrator

Signature Date


W. Pat Connors
Non-Public Arbitrator

10-24-03
Signature Date

October 30, 2003

Date of Service (For NASD Dispute Resolution use only)