

**STIPULATED AWARD
NASD Dispute Resolution**

In the Matter of the Arbitration Between

Names of Claimants

Thomas E. Wolff and Patricia S. Wolff

and

Case Number: 02-06606
Hearing Site: Detroit, Michigan

Names of Respondents

Merrill Lynch Pierce Fenner & Smith, Inc.,
Michael G. Sample and George B. Cook

NATURE OF CASE

Customers v. Member and Associated Persons

REPRESENTATION OF PARTIES

Thomas E. Wolff and Patricia S. Wolff ("Claimants") were represented by Thomas D. Pigott, Esq., the Law Firm of Thomas D. Pigott, Co., LLC., Toledo, Ohio. Claimants were represented by Brian C. Kalas, Esq., Kenney & Niehaus, Ltd., Sylvania, Ohio, until on or about January 21, 2003.

Merrill Lynch Pierce Fenner & Smith, Inc. ("MLPFS"), Michael G. Sample ("Sample"), and George B. Cook ("Cook") were represented by Clarence L. Pozza, Jr., Esq. and W. Scott Turnbull, Esq., Miller Canfield, Paddock and Stone, P.L.L.C., Detroit, Michigan.

CASE INFORMATION

The Statement of Claim was filed on or about November 4, 2002. The Submission Agreement of Claimants, Thomas E. Wolff and Patricia S. Wolff, was signed on or about September 6, 2002.

The Statement of Answer was filed by Respondents, MLPFS, Sample and Cook, on or about December 31, 2002. The Submission Agreement of Respondent, Michael G. Sample, was signed on or about December 26, 2002. The Submission Agreement of Respondent, George B. Cook, was signed on or about December 27, 2002.

CASE SUMMARY

Claimants asserted the following causes of action: common law fraud, negligence, breach of contract, breach of fiduciary duty, failure to supervise, and breach of state and federal securities laws. The causes of action related to Claimants' allegations that Respondents failed to put a 10% stop loss order on their accounts consisting of unspecified securities. Claimants further asserted that their accounts were mismanaged by Respondents.

Unless specifically admitted in their Answer, Respondents denied the allegations made in the Statement of Claim and asserted legal and factual defenses including the following: the Statement of Claim fails to state a claim upon which relief can be granted; the Statement of Claim is barred by the applicable statute of limitations; and the Statement of Claim is barred by reason of the doctrines of waiver, estoppel, laches and release.

RELIEF REQUESTED

Claimants requested an award in the amount of \$100,000.00 in compensatory damages, plus \$50,000.00 in punitive damages, interest, costs, attorney fees and such other relief the panel deemed just and equitable.

Respondents requested that the claims asserted against them be denied in their entirety and that they be awarded their costs, attorneys' fees, and that the CRD records of Michael G. Sample and George B. Cook be expunged of all references to this matter.

OTHER ISSUES CONSIDERED & DECIDED

Respondent, Merrill Lynch Pierce Fenner & Smith, Inc., did not file with NASD Dispute Resolution a properly executed submission to arbitration but is required to submit to arbitration pursuant to Rule 10301 of the NASD Code of Arbitration Procedure (the "Code") and having answered the claim, is bound by the determination of the arbitration panel on all issues submitted.

Claimants have agreed to withdraw and dismiss all claims in this matter against all Respondents with prejudice and without costs. Claimants, having had an opportunity to review the records and documents produced in pre-hearing discovery and discuss the contents thereof with their counsel, stipulated and agree with Respondents to the expungement of all reference to this arbitration from all registration records of Respondents Michael G. Sample and George B. Cook.

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. In either case, the parties have agreed to receive conformed copies of the award while the original(s) remain on file with the NASD Dispute Resolution (the "NASD").

AWARD

After considering the parties' submissions and representations, but without making any findings of fact or conclusions of law, the undersigned arbitrators order as follows:

- 1.) Claimants' claims, having been withdrawn, are dismissed with prejudice;
- 2.) Other than Forum Fees which are specified below, the parties shall each bear their own costs and expenses incurred in this matter;
- 3.) The panel recommends the expungement of all reference to the above captioned arbitration from Respondents', Michael G. Sample's and George B. Cook's, registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notice to Members 99-09, Respondents, Michael G. Sample and George B. Cook, must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive; and
- 4.) Any relief not specifically enumerated, including punitive damages and attorney fees, is hereby denied with prejudice.

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

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 is Merrill Lynch Pierce Fenner & Smith, Inc.

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

Adjournment Fees

Adjournments requested during these proceedings:

October 21-22, 2003, adjournment requested jointly = \$ 1,125.00

Forum Fees and Assessments

The Arbitration 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. Fees associated with these proceedings are:

Two (2) Pre-hearing sessions with Panel x \$1,125.00	= \$ 2,250.00
Pre-hearing conferences: April 3, 2003 1 session	
May 5, 2003 1 session	
Total Forum Fees	= \$ 2,250.00

The Arbitration Panel has assessed \$1,125.00 of the forum fees jointly and severally to Thomas E. Wolff and Patricia S. Wolff.

The Arbitration Panel has assessed \$1,125.00 of the forum fees jointly and severally to Merrill Lynch Pierce Fenner & Smith, Inc., Michael G. Sample, and George B. Cook.

Fee Summary

Claimants, Thomas E. Wolff and Patricia S. Wolff, are jointly and severally liable for:

Initial Filing Fee	= \$ 300.00
Adjournment Fee	= \$ 450.00
Forum Fees	= \$ 1,125.00
Total Fees	= \$ 1,875.00
Less payments	= \$ 1,425.00
Balance Due NASD Dispute Resolution	= \$ 450.00

Respondent, Merrill Lynch Pierce Fenner & Smith, Inc., is liable for:

Adjournment Fee	= \$ 225.00
Member Fees	= \$ 5,200.00
Total Fees	= \$ 5,200.00
Less payments	= \$ 5,200.00
Balance Due NASD Dispute Resolution	= \$ 225.00

Respondent, Michael G. Sample, is liable for:

Adjournment Fee	= \$ 225.00
Total Fees	= \$ 225.00
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 225.00

Respondent, George B. Cook, is liable for:

Adjournment Fee	= \$ 225.00
Total Fees	= \$ 225.00
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 225.00

Respondents, Merrill Lynch Pierce Fenner & Smith, Inc., Michael G. Sample, and George B. Cook, are jointly and severally liable for:

Forum Fees	= \$ 1,125.00
Total Fees	= \$ 1,125.00
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 1,125.00

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

ARBITRATION PANEL

Benjamin A. Kerner, Esq. - Public Arbitrator, Presiding Chair
Jerome D. Sobczak - Public Arbitrator
William C. Kubicz - Non-Public Arbitrator

Concurring Arbitrators:

/s/ Benjamin A. Kerner, Esq.
Benjamin A. Kerner, Esq.
Public Arbitrator, Presiding Chair

08/25/04
Signature Date

/s/ Jerome D. Sobczak
Jerome D. Sobczak
Public Arbitrator

08/24/04
Signature Date

/s/ William C. Kubicz
William C. Kubicz
Non-Public Arbitrator

08/27/04
Signature Date

08/30/04
Date of Service (For NASD office use only)

NASD Dispute Resolution
Arbitration Fee Schedule
Effective 01/01/04

Respondent, George B. Cook, is liable for:

Adjudication Fee	= \$ 225.00
Total Fees	= \$ 225.00
Late Settlement	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 225.00

Respondents, Merrill Lynch Pierce Fenner & Smith, Inc., Michael G. Sample, and George B. Cook, are jointly and severally liable for:

Adjudication Fee	= \$ 1,125.00
Total Fees	= \$ 1,125.00
Late Settlement	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 1,125.00

All balances are payable to NASD Dispute Resolution and are due upon receipt pursuant to Rule 10300(g) of the Code.

ARBITRATION PANEL

Benjamin A. Kerner, Esq. - Public Arbitrator, Presiding Chair
Jerome D. Sobczak - Public Arbitrator
William C. Kubicz - Non-Public Arbitrator

Concurring Arbitrators:

Benjamin A. Kerner
Benjamin A. Kerner, Esq.
Public Arbitrator, Presiding Chair

8/25/04
Signature Date

Jerome D. Sobczak
Jerome D. Sobczak
Public Arbitrator

Signature Date

William C. Kubicz
William C. Kubicz
Non-Public Arbitrator

Signature Date

Date of Service (For NASD office use only)

NASD Dispute Resolution
Arbitration No. 02-06808
Stipulated Award Page 6 of 5

Respondent, George B. Cook, is liable for:

Adjournment Fee	= \$ 225.00
Total Fees	= \$ 225.00
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 225.00

Respondents, Merrill Lynch Pierce Fenner & Smith, Inc., Michael G. Sample, and George B. Cook, are jointly and severally liable for:

Forum Fees	= \$ 1,125.00
Total Fees	= \$ 1,125.00
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 1,125.00

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

ARBITRATION PANEL

Benjamin A. Kerner, Esq. - Public Arbitrator, Presiding Chair
Jerome D. Sobczak - Public Arbitrator
William C. Kubicz - Non-Public Arbitrator

Concurring Arbitrators:

Benjamin A. Kerner, Esq.
Public Arbitrator, Presiding Chair

Jerome D. Sobczak
Jerome D. Sobczak
Public Arbitrator

William C. Kubicz
Non-Public Arbitrator

Date of Service (For NASD office use only)

Signature Date

8-24-04
Signature Date

Signature Date

NASD Dispute Resolution
Arbitration No. 02-06806
Stipulated Award Page 5 of 5

Respondent, George B. Cook, is liable for:

Adjournment Fee	= \$	225.00
Total Fees	= \$	225.00
Less payments	= \$	0.00
Balance Due NASD Dispute Resolution	= \$	225.00

Respondents, Merrill Lynch Pierce Fenner & Smith, Inc., Michael G. Sample, and George B. Cook, are jointly and severally liable for:

Forum Fees	= \$	1,125.00
Total Fees	= \$	1,125.00
Less payments	= \$	0.00
Balance Due NASD Dispute Resolution	= \$	1,125.00

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

ARBITRATION PANEL

Benjamin A. Kerner, Esq. - Public Arbitrator, Presiding Chair
Jerome D. Sobczak - Public Arbitrator
William C. Kubicz - Non-Public Arbitrator

Concurring Arbitrators:

Benjamin A. Kerner, Esq.
Public Arbitrator, Presiding Chair

Signature Date

Jerome D. Sobczak
Public Arbitrator

Signature Date


William C. Kubicz
Non-Public Arbitrator

8/27/04
Signature Date

Date of Service (For NASD office use only)