

Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

John J. Bottega IRA and Margaret C. Bottega IRA (Claimants) v. A.G. Edwards & Sons, Inc. and Peter Leibman (Respondents)

Case Number: 02-06675

Hearing Site: New York, New York

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

REPRESENTATION OF PARTIES

Claimants John J. Bottega IRA (J. Bottega IRA") and Margaret C. Bottega IRA ("M. Bottega IRA") hereinafter collectively referred to as "Claimants": Greg Scott Goodman, Esq., Goodman & Goodman, Mount Sinai, NY.

Respondents A.G. Edwards & Sons, Inc. ("A.G. Edwards") and Peter Leibman ("Leibman") hereinafter collectively referred to as "Respondents": Nuviah Shirazi, Esq., A.G. Edwards & Sons, Inc., St. Louis, MO.

CASE INFORMATION

Statement of Claim filed on or about: November 4, 2002.

Claimants signed the Uniform Submission Agreement: October 28, 2002.

Joint Statement of Answer filed by Respondents on or about: December 30, 2002.

Respondent A.G. Edwards signed the Uniform Submission Agreement: December 30, 2002.

Respondent Leibman signed the Uniform Submission Agreement: December 3, 2002.

CASE SUMMARY

Claimants asserted the following causes of action: unsuitability; negligence; misrepresentation; omission of material facts; failure to follow instructions; failure to properly monitor accounts; over-concentration; failure to diversify; breach of contract; breach of duty; negligence; fraud and deceit; breach of fiduciary duty; violations of federal securities laws; violations of industry rules; violation of Section 349 of the New York General Business Law; failure to supervise and control person liability. The causes of action relate to mutual funds.

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

RELIEF REQUESTED

Claimants requested compensatory damages in the amount of \$85,000.00; interest; costs, expenses, and disbursements, including attorneys' fees; punitive damages; and other relief as the Arbitration Panel deems just and proper.

Respondents requested that all claims be dismissed with prejudice, and that Respondents be awarded all costs, reasonable attorneys' fees, and such other relief deemed just and proper by the Arbitration Panel.

OTHER ISSUES CONSIDERED AND DECIDED

On April 30, 2004, Claimants withdrew all complaints and dismissed all charges filed by them against Respondent Leibman with prejudice.

On April 30, 2004, the parties (Claimants and Respondents) by and through their counsel, Mr. Goodman and Ms. Shirazi, agreed to the terms of this Stipulated Award wherein the parties request that the undersigned Arbitrators enter an Order expunging all references to this case from the Central Registration Depository ("CRD") records of Respondent Leibman.

On or about May 24, 2004, the parties submitted a Consent Order and a Motion for Entry of the Stipulated Order by the Arbitration Panel for the Panel's approval, attached herewith as Exhibit A.

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. All claims against Respondent A.G. Edwards are hereby dismissed with prejudice.
2. All claims against Respondent Leibman have been dismissed with prejudice by Claimants; therefore, the Arbitration Panel hereby enters this Award dismissing all said claims with prejudice.
3. The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Peter Leibman'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 Leibman must obtain confirmation from a court of competent jurisdiction before CRD will execute the expungement directive.

4. 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, Inc. will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee	= \$225.00
--------------------------	------------

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, A.G. Edwards & Sons, Inc. is a party.

Member Surcharge	= \$1,100.00
Pre-Hearing Process Fee	= \$ 750.00
<u>Hearing Process Fee</u>	<u>= \$1,700.00</u>
Total Member Fees	= \$3,550.00

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 arbitrators, including a pre-hearing conference with the arbitrators, that lasts four (4) hours or less. Forum fees associated with these proceedings are:

One (1) Pre-hearing conference session with the Panel @ \$750.00/session	= \$750.00
<u>Pre-hearing conference: June 18, 2003 1 session</u>	
Total Forum Fees	= \$750.00

1. The Panel has assessed \$375.00 of the forum fees jointly and severally against Claimants.
2. The Panel has assessed \$375.00 of the forum fees jointly and severally against Respondents.

Fee Summary

1. Claimants are jointly and severally liable for:

Initial Filing Fee	= \$ 225.00
Forum Fees	= \$ 750.00
Total Fees	= \$ 975.00
Less payments	= \$ 975.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Pursuant to Rule 10332(f) of the NASD Code of Arbitration Procedure, NASD is retaining the total initial amount of the hearing session deposited by the Claimant because this office was notified by the parties that they settled within 8 business days of the first scheduled hearing session.

2. Respondent A.G. Edwards is solely liable for:

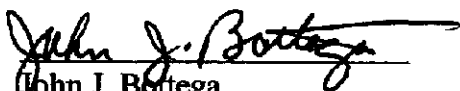
Member Fees	= \$3,550.00
Total Fees	= \$3,550.00
Less payments	= \$3,550.00
Balance Due NASD Dispute Resolution	= \$ 0.00

3. Respondents are jointly and severally liable for:

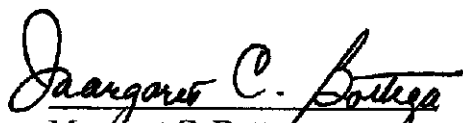
Forum Fees	= \$ 375.00
Total Fees	= \$ 375.00
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 375.00

All balances are due and payable to NASD Dispute Resolution.

Parties' Signatures


John J. Bottega
Claimant

8/12/04
Signature Date


Margaret C. Bottega
Claimant

8/12/04
Signature Date

A.G. Edwards & Sons, Inc.
Respondent

Signature Date

Peter Leibman
Respondent

Signature Date

Parties' Signatures

John J. Bottega
Claimant

Signature Date

Margaret C. Bottega
Claimant

Signature Date

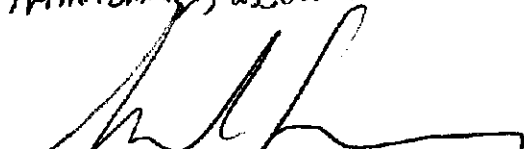


4/31/04

Signature Date

A.G. Edwards & Sons, Inc.
Respondent

Norah Shirez, as Counsel for A.G. Edwards & Sons, Inc.



Peter Leibman
Respondent

Norah Shirez, as Counsel for Peter Leibman

4/31/04

Signature Date


ARBITRATION PANEL

James S. Hazard	-	Public Arbitrator, Presiding Chair
Debra Siedman DeWan, Esq.	-	Public Arbitrator
Fred L. Simon	-	Public Arbitrator

Concurring Arbitrators' Signatures

James S. Hazard
Public Arbitrator, Presiding Chair

Signature Date



Debra Siedman DeWan, Esq.
Public Arbitrator



Signature Date

Fred L. Simon
Industry Arbitrator

Signature Date

November 16, 2004
Date of Service (For NASD office use only)

ARBITRATION PANEL

James S. Hazard	-	Public Arbitrator, Presiding Chair
Debra Siedman DeWan, Esq.	-	Public Arbitrator
Fred L. Simon	-	Public Arbitrator

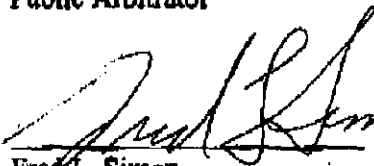
Concurring Arbitrators' Signatures

James S. Hazard
Public Arbitrator, Presiding Chair

Signature Date

Debra Siedman DeWan, Esq.
Public Arbitrator

Signature Date

 11-13-04

Fred L. Simon
Industry Arbitrator

 11-13-04

Signature Date

November 16, 2004
Date of Service (For NASD office use only)

**BEFORE THE NATIONAL ASSOCIATION
OF SECURITIES DEALERS, INC.**

JOHN J. and MARGARET C. BOTTEGA,)	Exhibit A
)	
Claimants,)	
)	
v.)	Case No. 02-06675
)	
A.G. EDWARDS & SONS, INC., and)	
PETER LEIBMAN,)	
)	
Respondents.)	

**MOTION FOR ENTRY OF THE STIPULATED ORDER BY THE
ARBITRATION PANEL**

COME NOW Claimants, John J. and Margaret C. Bottega , by and through counsel, Greg Goodman, and Respondents, A.G. Edwards & Sons, Inc., and Peter Leibman, by and through counsel, Nuviah Shirazi, and move for the Arbitration Panel presiding over the above-captioned matter to enter the Stipulated Order presented by the parties. In support thereof, the parties state as follows:

1. On April 30, 2004, Claimants notified the National Association of Securities Dealers, Inc., that they were withdrawing all complaints and dismissing all charges filed by them against Respondent Peter Leibman with prejudice.

2. On April 30, 2004, the parties, Claimants and Respondents by and through their counsel, agreed to the terms of the Stipulated Award attached hereto wherein the parties are requesting that the

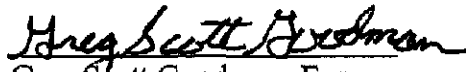
presiding Arbitrators enter an Order expunging all references of this case from the Central Registration Depository records of Peter Leibman.

3. On April 30, 2004, the parties, Claimants and Respondents, informed the National Association of Securities Dealers, that Claimants and Respondent A. G. Edwards & Sons, Inc., had agreed to a confidential settlement agreement and that Claimants were withdrawing all claims filed against A.G. Edwards & Sons, Inc., with prejudice. The parties further advised the National Association of Securities Dealers, Inc., of their agreement that the hearing scheduled for May 5-7, 2004, could be cancelled.
4. The parties have agreed that the award in this matter, as proposed in the attached Stipulated Award, may be executed in counterpart copies or that a handwritten and signed Award may be entered. In either case, the parties have agreed to receive copies of the Award while the original remains on file with the National Association of Securities Dealers, Inc.

WHEREFORE, the Claimants and the Respondents request that the Arbitration Panel presiding over the above-captioned matter enter the Stipulated Award attached hereto.

Respectfully submitted,

Dated: May 11, 2004


Greg Scott Goodman, Esq.
Goodman & Goodman
45 Jesse Way
Mount Sinai, NY 11766
(631) 331-6182

Attorney for Claimants

Dated: May 24, 2004



Nuviah Shirazi
Litigation Counsel
A.G. Edwards & Sons, Inc.
One North Jefferson
St. Louis, MO 63103
(314) 955-7911

Attorney for Respondents

CERTIFICATE OF SERVICE

This is to certify that an original and three copies of the above and foregoing Motion for Entry of the Stipulated Order by the Arbitration Panel was sent via overnight mail this 24th day of May 2004 to:

Mayra Segura, Legal Assistant
NASD Dispute Resolution, Inc.
One Liberty Plaza
165 Broadway, 27th Floor
New York, NY 10006


Naviah Shirazi
Greg Scott Goodman