

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Lydia Maxwell Feinstein (Claimant) v. Merrill Lynch, Pierce, Fenner & Smith, Inc. and
Stephen L. Wolferman (Respondents)

Case Number: 02-06692

Hearing Site: New York, New York

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

REPRESENTATION OF PARTIES

Claimant Lydia Maxwell Feinstein ("Feinstein") hereinafter referred to as "Claimant": I.
Stephen Rabin, Esq., Rabin & Peckel, LLP, New York, NY.

Respondents Merrill Lynch, Pierce, Fenner & Smith, Inc. ("MLPFS") and Stephen L.
Wolferman ("Wolferman") hereinafter collectively referred to as "Respondents": Ethan
Leonard, Esq., The Law Offices of Neal Brickman, New York, NY.

CASE INFORMATION

Statement of Claim filed on or about: November 5, 2002.

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

Joint Statement of Answer filed by Respondents on or about: February 27, 2003.

MLPFS signed the Uniform Submission Agreement: February 27, 2003.

Wolferman signed the Uniform Submission Agreement: February 26, 2003.

CASE SUMMARY

Claimant asserted the following causes of action: breach of fiduciary duty; suitability;
failure to follow instructions; misrepresentations; omission of facts; failure to supervise;
and violation of NASD Rules of Conduct. Claimant's claim involved common stock and
mutual funds.

Unless specifically admitted in their 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 \$282,715.17, plus any losses
to date, plus interest, attorneys' fees and punitive damages in the amount of \$848,145.51.

Respondents requested that the Claim be dismissed in its entirety; award Respondents their costs and disbursements, including forum fees, in defending this action, along with any such other and further relief the Panel deems just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

At the hearing, Respondents made a Motion to Dismiss. The Panel reserved decision.

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. Claimant's claims are denied in their entirety.
2. All parties' claims for attorneys' fees, sanctions, and punitive damages are denied.
3. The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Wolferman'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 Wolferman 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 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 = \$500.00

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. Accordingly, Merrill Lynch, Pierce, Fenner & Smith, Inc. is a party.

Member surcharge = \$2,800.00

Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$5,000.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

November 11 and 12, 2003, adjournment by Claimant	= Waived
November 11 and 12, 2003, adjournment by Respondents	= Waived

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 @ \$1,200.00	= \$1,200.00
Pre-hearing conference: July 8, 2003 1 session	

Four (4) Hearing sessions @ \$1,200.00	= \$4,800.00
Hearing Dates: November 10, 2003 1 session	
December 2, 2003 2 sessions	
December 3, 2003 1 session	

Total Forum Fees	= \$6,000.00
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1. The Panel has assessed \$3,000.00 of the forum fees against Claimant.
2. The Panel has assessed \$3,000.00 of the forum fees against MLPFS.

Fee Summary

1. Claimant is solely liable for:

Initial Filing Fee	= \$ 500.00
Forum Fees	= \$ 3,000.00
Total Fees	= \$ 3,500.00
Less payments	= \$ 1,700.00
Balance Due NASD Dispute Resolution	= \$ 1,800.00
2. MLPFS is solely liable for:

Member Fees	= \$ 8,550.00
Forum Fees	= \$ 3,000.00
Total Fees	= \$11,550.00
Less payments	= \$ 8,550.00
Balance Due NASD Dispute Resolution	= \$ 3,000.00

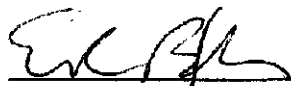
All balances are payable to NASD Dispute Resolution and are due upon receipt pursuant to Rule 10330(g) of the Code.

ARBITRATION PANEL

Ellen R. Buxbaum, Esq.	-	Public Arbitrator, Presiding Chair
Saul Scheier, Esq.	-	Public Arbitrator
Arthur Best	-	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, which is my award.



Ellen R. Buxbaum, Esq.
Public Arbitrator, Presiding Chairperson

12/22/03
Signature Date

Saul Scheier, Esq.
Public Arbitrator

Signature Date

Arthur Best
Non-Public Arbitrator

Signature Date

December 31, 2003

Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL

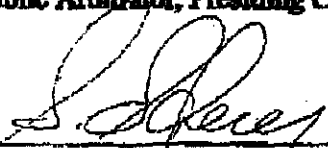
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Saul Scheier, Esq.	-	Public Arbitrator
Arthur Best	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures


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Ellen R. Buxbaum, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date



Saul Scheier, Esq.
Public Arbitrator



Signature Date

Arthur Best
Non-Public Arbitrator

Signature Date

December 31, 2003

Date of Service (For NASD Dispute Resolution use only)