

**Stipulated Award
NASD Dispute Resolution**

In the Matter of the Arbitration Between

Name of Claimant
Daniel Vucelich

Case Number: 02-07597

Names of the Respondents
Merrill Lynch, Pierce, Fenner & Smith, Inc.
Robert Douglas Wickard

Hearing Site: Pittsburgh, PA

Nature of Dispute: Customer v. Member and Associated Person

REPRESENTATION OF PARTIES

Claimant, Daniel Vucelich ("Claimant"), was represented by Arnold Y. Steinberg, Esq., Arnold Y. Steinberg, P.C., Pittsburgh, Pennsylvania.

Respondents, Merrill Lynch, Pierce, Fenner & Smith Inc. ("Merrill Lynch") and Robert Douglas Wickard ("Wickard") were represented by Thomas L. Weisenbeck, Esq., Bressler, Amery & Ross, P.C., Florham Park, New Jersey.

CASE INFORMATION

Statement of Claim filed on December 17, 2002.

Claimant signed the Uniform Submission Agreement on November 15, 2002.

Statement of Answer filed by Respondents on May 12, 2003.

Respondents did not file Uniform Submission Agreements.

CASE SUMMARY

Claimant asserted the following causes of action: fraud, unsuitability, breach of fiduciary duty, untrue statements and omissions of facts, violations of the Pennsylvania Uniform Trade Practices and Consumer Protection Law, Section 10(b) of the 1934 Act and Rule 10b-5. The causes of action relate to the purchase and sale of various options and stocks.

Respondents denied the claims in the Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

Claimant requested the following damages \$90,000.000 in compensatory damages; treble damages; and, interest, costs and attorney's fees in unspecified amounts.

Respondents requested dismissal of the Statement of Claim in its entirety, an order expunging Claimant's claims from Respondent Wickard's permanent registration records maintained by NASD Central Registration Depository ("CRD"), costs, and other relief as is just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

Respondents did not file with NASD Dispute Resolution properly executed submissions to arbitration but are required to submit to arbitration pursuant to the Code and, having answered the claim, are bound by the determination of the Arbitration Panel (the "Panel") on all issues submitted.

Claimant and Respondent Merrill Lynch entered into a confidential settlement agreement. In connection with that agreement, Claimant dismissed all claims with prejudice against Respondents Merrill Lynch and Wickard.

Therefore, the parties submit this Stipulated Award to the Panel for its consideration and request that it be entered.

The parties agreed that the Award in this matter may be executed in counterpart.

AWARD

Pursuant to the above, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. The parties have amicably resolved their differences and have requested this Stipulated Award;
2. The Arbitration Panel recommends the expungement of all references to the above-captioned arbitration from Respondent Wickard's registration records maintained by the CRD, with the understanding that pursuant to NASD Notices to Member 99-09 and 99-54, Respondent Wickard must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive;
3. Each party shall bear its own costs and expenses associated with the above-captioned arbitration, including attorneys' fees, except as Fees are specifically addressed below; and,
4. Any and all relief not specifically addressed herein is denied in its entirety.

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.

Accordingly, Merrill Lynch is a party.

Member surcharge = \$1,700.00

Pre-hearing process fee = \$ 750.00

Hearing process fee = \$2,750.00

Forum Fees

The Arbitration Panel has assessed forum fees for each session conducted. A 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:

One (1) Pre-hearing session with Panel @ \$1,125.00 = \$1,125.00

Pre-hearing conference: October 28, 2003 1 session

Total Forum Fees = \$1,125.00

1. The Arbitration Panel has assessed \$562.50 of the forum fees to Claimant.

2. The Arbitration Panel has assessed \$562.50 of the forum fees to Respondents jointly and severally.

Fee Summary

1. Claimant is assessed and shall pay:

Initial Filing Fee = \$ 300.00

Forum Fees = \$ 562.50

Retained Hearing Session Deposit = \$ 562.50

Total Fees = \$1,425.00

Less payments = \$1,425.00

Balance Due NASD Dispute Resolution = \$ 0.00

2. Respondent Merrill Lynch is assessed and shall pay:

Member Fees = \$5,200.00

Total Fees = \$5,200.00

Less payments = \$5,200.00

Balance Due NASD Dispute Resolution = \$ 0.00

3. Respondents Merrill Lynch and Wickard are assessed jointly and severally and shall pay:

<u>Forum Fees</u>	= \$ 562.50
<u>Total Fees</u>	= \$ 562.50
<u>Less payments</u>	= \$ 0.00
<u>Balance Due NASD Dispute Resolution</u>	= \$ 562.50

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

ARBITRATION PANEL

Edward A. Grupp, Esq.	-	Public Arbitrator, Presiding Chairperson
David J. Anderson	-	Public Arbitrator, Panelist
Paul H. McKenna	-	Non-Public Arbitrator, Panelist

Concurring Arbitrators' Signatures



Edward A. Grupp, Esq.
Public Arbitrator, Presiding Chairperson



Signature Date

David J. Anderson
Public Arbitrator, Panelist

Signature Date

Paul H. McKenna
Non-Public Arbitrator, Panelist

Signature Date



Date of Service (For NASD Dispute Resolution office use only)

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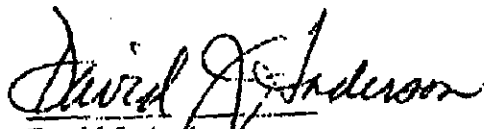
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David J. Anderson	- Public Arbitrator, Panelist
Paul H. McKenna	- Non-Public Arbitrator, Panelist

Concurring Arbitrators' Signatures

Edward A. Grupp, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date



David J. Anderson
Public Arbitrator, Panelist

8 FEBRUARY 2005

Signature Date

Paul H. McKenna
Non-Public Arbitrator, Panelist

Signature Date

2/9/05

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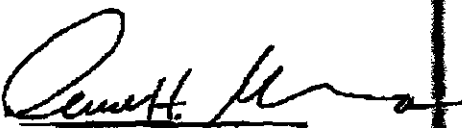
Public Arbitrator, Presiding Chairperson

Signature Date

David J. Anderson

Public Arbitrator, Panelist

Signature Date



Paul H. McKenna

Non-Public Arbitrator, Panelist

11/31/05
Signature Date

2/9/05

Date of Service (For NASD Dispute Resolution office use only)