
Stipulated Award
NASD DISPUTE RESOLUTION

In the Matter of the Arbitration Between:

Name of the Claimant

Danny L. Canterbury

Case Number: 03-00623

Names of the Respondents

Allen & Company of Florida, Inc.

Laura J. Hawley

Hearing Site: Tampa, FL

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

REPRESENTATION OF PARTIES

For Danny L. Canterbury, hereinafter referred to as "Claimant": Jeffrey A. Froeschle, Esq. and Joseph A. Probasco, Esq., Bush Ross Gardner Warren & Rudy, P.A., Tampa, Florida.

For Respondents Allen & Company of Florida, Inc. ("Allen") and Laura J. Hawley ("Hawley"), hereinafter collectively referred to as "Respondents": William J. Schifino, Jr., Esq., Williams Schifino Mangione & Steady P.A., Tampa, FL.

CASE INFORMATION

Statement of Claim filed on or about: January 28, 2003.

Claimant signed the Uniform Submission Agreement: January 23, 2003.

Statement of Answer filed by Respondents on or about: March 28, 2003.

Respondents signed the Uniform Submission Agreement: February 18, 2003.

CASE SUMMARY

Claimant asserted the following causes of action: unsuitable recommendations; breach of fiduciary duty; and, failure to supervise. The causes of action relate to the purchase of numerous stocks in Claimant's account including: Amgen, Inc.; Cisco Systems, Inc.; Intel Corp.; JDS Uniphase Corp.; Micron Technology, Inc.; Microsoft Corp.; and, Oracle Corp.

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 of \$3,009,481.99, pre-judgment interest of \$180,568.91, costs, attorneys' fees, punitive damages, and such other relief as the undersigned arbitrators (the "Panel") find

appropriate under the circumstances.

Respondents requested dismissal of the Statement of Claim, a finding that Claimant's claims are frivolous pursuant to §57.105, Florida Statutes, entitling Respondents to seek attorneys' fees and costs from a court of competent jurisdiction, and expungement of all references to this arbitration from Respondents' NASD Central Registration Depository ("CRD") records on the basis that the claims are defamatory and without merit.

OTHER ISSUES CONSIDERED AND DECIDED

On or about April 2, 2004, the parties advised NASD Dispute Resolution that this matter had been settled.

On or about April 6, 2004, the parties filed a Notice of Voluntary Dismissal With Prejudice and Request for Expungement as to Respondents (the "Expungement Request") in which they advised NASD Dispute Resolution that Claimant had dismissed his claims against Respondents, with prejudice, and requested that the Panel enter an order (A) dismissing all claims with prejudice, each party to bear their respective fees and costs and (B) affirmatively finding that the allegations of the Statement of Claim, while made in good faith and without malice, have proven inaccurate and should be expunged from Respondents' registration records maintained by the NASD CRD.

The parties agreed that the Stipulated Award in this matter may be executed in counterpart copies or that a handwritten, signed Stipulated Award may be entered.

AWARD

After considering the pleadings and the Expungement Request, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

All of Claimant's claims are dismissed, with prejudice.

Each party shall bear their respective fees and costs.

The allegations of the Statement of Claim, while made in good faith and without malice, have proven inaccurate and should be expunged from Respondents' registration records.

Based upon the facts presented in the Notice of Voluntary Dismissal With Prejudice and Request for Expungement as to Respondents and other pleadings, motions, responses, replies, and amendments thereto, the Panel recommends the expungement of all references to the above-captioned arbitration from Respondents Allen and Hawley's registration records maintained by the NASD CRD, with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondents Allen and Hawley must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

FEES

Pursuant to the NASD Code of Arbitration Procedure (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 = \$ 600.00

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, Respondent Allen is a member firm and a party.

Member surcharge	= \$2,800.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$5,000.00
Total Member Fees	= \$8,550.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

No requests for adjournments were granted during these proceedings for which fees were assessed.

Injunctive Relief Fees

Injunctive relief fees are assessed to each member or associated person who files for a temporary injunction in court. Parties in these cases are also assessed arbitrator travel expenses and costs when an arbitrator is required to travel outside his or her hearing location and additional arbitrator honoraria for the hearing for permanent injunction. These fees, except the injunctive relief surcharge, are assessed equally against each party unless otherwise directed by the Panel.

No injunctive relief fees were assessed during these proceedings.

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 the Panel @ \$1,200.00	= \$1,200.00
Pre-hearing conference: August 5, 2003 1 session	
Total Forum Fees	= \$1,200.00

The Panel has assessed \$600.00 of the forum fees to Claimant.

The Panel has assessed \$600.00 of the forum fees jointly and severally to Respondents.

Administrative Costs

Administrative costs are expenses incurred due to a request by a party for special services beyond the normal administrative services. These include, but are not limited to, additional copies of arbitrator awards, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

No administrative costs were incurred during this proceeding.

Fee Summary

Claimant is solely liable for:

Initial Filing Fee	= \$ 600.00
Retained Hearing Session Deposit	= \$ 600.00
<u>Forum Fees</u>	= \$ 600.00
Total Fees	= \$ 1,800.00
<u>Less payments</u>	= \$ 1,800.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent Allen is solely liable for:

Member Fees	=\$ 8,550.00
Total Fees	=\$ 8,550.00
<u>Less Payments</u>	=\$ 8,550.00
Balance Due NASD Dispute Resolution	=\$ 0.00

Respondents Allen and Hawley are jointly and severally liable for:

<u>Forum Fees</u>	=\$ 600.00
Total Fees	=\$ 600.00
<u>Less Payments</u>	=\$ 0.00
Balance Due NASD Dispute Resolution	=\$ 600.00

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

ARBITRATION PANEL

Floyd A. Hillstrom, Esq.	-	Public Arbitrator, Presiding Chairperson
Linda M. Pierson	-	Public Arbitrator
Daniel B. Daugherty	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

/s/
Floyd A. Hillstrom, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

/s/
Linda M. Pierson
Public Arbitrator

Signature Date

/s/
Daniel B. Daugherty
Non-Public Arbitrator

Signature Date

May 3, 2004
Date of Service (For NASD Dispute Resolution office use only)



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FAX NO. :

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NO. 510 5. 5

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No administrative costs were incurred during this proceeding.

Fee Summary

Claimant is solely liable for:

Initial Filing Fee	= \$ 600.00
Retained Hearing Session Deposit	= \$ 600.00
Forum Fees	= \$ 600.00
Total Fees	= \$ 1,800.00
Less payments	= \$ 1,800.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent Allen is solely liable for:

Member Fees	= \$ 8,550.00
Total Fees	= \$ 8,550.00
Less Payments	= \$ 8,550.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondents Allen and Hawley are jointly and severally liable for:

Forum Fees	= \$ 600.00
Total Fees	= \$ 600.00
Less Payments	= \$ 0.00
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ARBITRATION PANEL

Floyd A. Hillstrom, Esq.
Linda M. Pierson
Daniel B. Daugherty

- Public Arbitrator, Presiding Chairperson
- Public Arbitrator
- Non-Public Arbitrator

Concurring Arbitrators' Signatures



Floyd A. Hillstrom, Esq.
Public Arbitrator, Presiding Chairperson

4/28/04
Signature Date

Linda M. Pierson
Public Arbitrator

Signature Date



APR. 28. 2004 3:34PM

NASD BOCA RATON

NO. 538 P. 5

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No administrative costs were incurred during this proceeding.

Fee Summary

Claimant is solely liable for:

Initial Filing Fee	= \$ 600.00
Retained Hearing Session Deposit	= \$ 600.00
<u>Forum Fees</u>	<u>= \$ 600.00</u>
Total Fees	= \$ 1,800.00
<u>Less payments</u>	<u>= \$ 1,800.00</u>
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent Allen is solely liable for:

<u>Member Fees</u>	<u>= \$ 8,550.00</u>
Total Fees	= \$ 8,550.00
<u>Less Payments</u>	<u>= \$ 8,550.00</u>
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondents Allen and Hawley are jointly and severally liable for:

<u>Forum Fees</u>	<u>= \$ 600.00</u>
Total Fees	= \$ 600.00
<u>Less Payments</u>	<u>= \$ 0.00</u>
Balance Due NASD Dispute Resolution	= \$ 600.00

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ARBITRATION PANEL

Floyd A. Hillstrom, Esq.	-	Public Arbitrator, Presiding Chairperson
Linda M. Pierson	-	Public Arbitrator
Daniel B. Daugherty	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

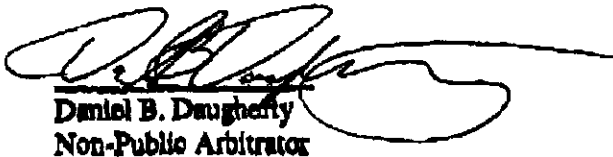
Floyd A. Hillstrom, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

Linda M. Pierson
Linda M. Pierson
Public Arbitrator

4/29/2004
Signature Date

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Daniel B. Daugherty
Non-Public Arbitrator

4/29/04
Signature Date

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