
Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Names of the Claimants

Dorothy M. Carrothers
Lanson L. and Dorothy Carrothers JTWROS

Case Number: 03-02726

Names of the Respondents

Merrill Lynch, Pierce, Fenner & Smith Incorporated
Scott A. Geric

Hearing Site: Orlando, Florida

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

REPRESENTATION OF PARTIES

For Dorothy M. Carrothers ("D. Carrothers") and Lanson L. and Dorothy Carrothers JTWROS ("Carrothers JTWROS"), hereinafter collectively referred to as "Claimants": William B. Young, Jr., Esq., Hooper & Weiss, LLC, Orlando, Florida.

For Merrill Lynch, Pierce, Fenner & Smith Incorporated ("MLPFS") and Scott A. Geric ("Geric"), hereinafter collectively referred to as "Respondents": Neil S. Baritz, Esq. and Craig R. Glasser, Esq., Baritz & Colman, LLP, Boca Raton, Florida.

CASE INFORMATION

Statement of Claim filed on or about: March 14, 2003.

Claimants signed the Uniform Submission Agreement: March 8, 2003.

Statement of Answer filed by Respondents on or about: June 18, 2003.

Respondent MLPFS signed the Uniform Submission Agreement: June 12, 2003.

Respondent Geric signed the Uniform Submission Agreement: June 30, 2003

CASE SUMMARY

Claimants alleged the following causes of action: 1) negligence; 2) breach of contract; 3) breach of fiduciary duty; 4) respondeat superior; 5) violation of NASD Conduct Rule 2110; 6) failure to supervise; 7) unsuitability; and 8) omissions/misrepresentation. The causes of action relate to investments in various unspecified securities.

Unless specifically admitted in their Statement of Answer, Respondents denied the allegations made in the Statement of Claim and asserted various defenses.

RELIEF REQUESTED

Claimants requested: 1) compensatory damages in the amount of \$90,245.77; 2) punitive damages; 3) attorneys' fees; 4) costs; and 5) such other relief the undersigned arbitrators (the "Panel") deemed just and proper.

Respondents requested: 1) dismissal of the Statement of Claim in its entirety; 2) a determination that Respondents are the prevailing parties; 3) costs; and 4) expungement of all reference to the above captioned arbitration from Respondent Geric's registration records maintained by the NASD Central Registration Depository ("CRD").

OTHER ISSUES CONSIDERED AND DECIDED

On or about September 24, 2004, Claimants filed their notice of settlement advising that the parties resolved the issues presented in their pleadings. In connection with the resolution of this matter, Respondents asserted that, because of the claims, this action should only have been filed against Respondent MLPFS, and not Respondent Geric. Accordingly, Claimants agreed to cooperate with Respondent Geric's efforts to have this action expunged from his CRD records. In connection with the resolution of the claims, the parties agreed that upon the satisfaction of the terms of the resolution, that each of Claimants and Respondents shall be barred from bringing any action based on or including the claims for which this action has been or could have been brought and that this matter be dismissed, with prejudice, as to all Respondents. The only issue presented to the Panel was the entry of a Stipulated Award relating to expungement.

On or about May 6, 2005, the parties filed their Joint Motion to Re-Open Case for Purpose of Entering Stipulated Award. The parties requested that the Panel re-open the above-captioned arbitration proceeding for the sole and limited purpose of considering and entering a proposed Stipulated Award.

On or about May 26, 2005, the Panel entered its Order Re-Opening Case for Purpose of Entertaining Motion to Expunge. The Panel directed NASD Dispute Resolution to schedule a pre-hearing conference on the motion.

On or about July 8, 2005, the Panel held a pre-hearing conference and thereafter granted the request for expungement.

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 Joint Motion to Re-Open Case for Purpose of Entering Stipulated Award, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimants' withdrawal of claims is accepted and Respondents are dismissed from this matter with prejudice.
2. The Panel recommends expungement of all references to the above-captioned arbitration proceeding

from Respondent Geric's registration records maintained by the NASD CRD, with the understanding that pursuant to NASD Notice to Members 99-09 and 99-54, Respondent Geric 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 will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee	= \$ 225.00
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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 MLPFS is a member firm and a party.

Member surcharge	= \$1,100.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$1,700.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

There were no adjournments requested during these proceedings for which fees were assessed.

Three-Day Cancellation Fees

Fees apply when a hearing on the merits is postponed or settled within three business days before the start of a scheduled hearing session:

Three-Day Cancellation Fees in the total amount of \$300.00 were assessed for the cancellation of the September 28 – 30, 2004 hearing as follows:

Claimant D. Carrothers	= \$75.00
Claimant Carrothers JTWROS	= \$75.00
Respondent MLPFS	= \$75.00
Respondent Geric	= \$75.00

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.

There were no injunctive relief fees 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:

Two (2) Pre-hearing sessions with Panel @ \$750.00 per session	= \$1,500.00
Pre-hearing conferences: November 24, 2003	1 session
July 8, 2005	1 session

Total Forum Fees	= \$1,500.00
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The Panel has assessed forum fees for the pre-hearing conference held on November 24, 2003 in the amount of \$750.00 as follows:

Claimant D. Carrothers	= \$187.50
Claimant Carrothers TWROS	= \$187.50
Respondent MLPFS	= \$187.50
Respondent Geric	= \$187.50

The Panel has assessed forum fees for the pre-hearing conference held on July 8, 2005 in the amount of \$750.00 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 not limited to, additional copies of arbitrator awards, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

There were no administrative costs incurred during these proceedings.

Fee Summary

Claimants are jointly and severally liable for:

Initial Filing Fee	= \$ 225.00
Retained Balance of Hearing Session Deposit per Rule 10332(f)	= \$ 375.00
Total Fees	= \$ 600.00
Less payments	= \$ 600.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Claimant D. Carrothers is solely liable for:

Three-Day Cancellation Fees	= \$ 75.00
Forum Fees	= \$ 187.50
Total Fees	= \$ 262.50
Less payments	= \$ 262.50
Balance Due NASD Dispute Resolution	= \$ 0.00

Claimant Carrothers JTWROS is solely liable for:

Three-Day Cancellation Fees	= \$ 75.00
<u>Forum Fees</u>	= \$ 187.50
Total Fees	= \$ 262.50
<u>Less payments</u>	= \$ 262.50
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent MLPFS is solely liable for:

Member Fees	= \$3,550.00
Three-Day Cancellation Fees	= \$ 75.00
<u>Forum Fees</u>	= \$ 187.50
Total Fees	= \$3,812.50
<u>Less payments</u>	= \$3,812.50
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent Geric is solely liable for:

Three-Day Cancellation Fees	= \$ 75.00
<u>Forum Fees</u>	= \$ 187.50
Total Fees	= \$ 262.50
<u>Less payments</u>	= \$ 262.50
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondents are jointly and severally liable for:

<u>Forum Fees</u>	= \$ 750.00
Total Fees	= \$ 750.00
<u>Less payments</u>	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 750.00

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

ARBITRATION PANEL

<i>Will Murphy, Esq.</i>	-	<i>Public Arbitrator, Presiding Chairperson</i>
<i>James Barry Wright</i>	-	<i>Public Arbitrator</i>
<i>Dennis R. Nolte</i>	-	<i>Non-Public Arbitrator</i>

Concurring Arbitrators' Signatures

_____/s/
Will Murphy, Esq.
Public Arbitrator, Presiding Chairperson

July 12, 2005
Signature Date

/s/
James Barry Wright
Public Arbitrator

July 12, 2005
Signature Date

/s/
Dennis R. Nolte
Non-Public Arbitrator

July 12, 2005
Signature Date

July 15, 2005
Date of Service (For NASD Dispute Resolution office use only)

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Claimant Carrothers JTWROS is solely liable for:

Three-Day Cancellation Fees	= \$ 75.00
<u>Forum Fees</u>	= \$ 187.50
Total Fees	= \$ 262.50
<u>Less payments</u>	= \$ 262.50
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent MLPFS is solely liable for:

Member Fees	= \$3,550.00
Three-Day Cancellation Fees	= \$ 75.00
<u>Forum Fees</u>	= \$ 187.50
Total Fees	= \$3,812.50
<u>Less payments</u>	= \$3,812.50
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent Geric is solely liable for:

Three-Day Cancellation Fees	= \$ 75.00
<u>Forum Fees</u>	= \$ 187.50
Total Fees	= \$ 262.50
<u>Less payments</u>	= \$ 262.50
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondents are jointly and severally liable for:

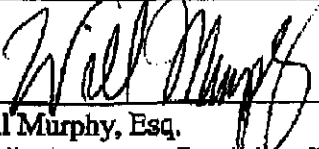
<u>Forum Fees</u>	= \$ 750.00
Total Fees	= \$ 750.00
<u>Less payments</u>	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 750.00

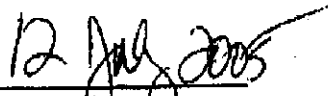
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ARBITRATION PANEL

Will Murphy, Esq.	-	Public Arbitrator, Presiding Chairperson
James Barry Wright	-	Public Arbitrator
Dennis R. Nolte	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures


 Will Murphy, Esq.
 Public Arbitrator, Presiding Chairperson


 Signature Date

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James Barry Wright
Public Arbitrator

7/12/05

Signature Date

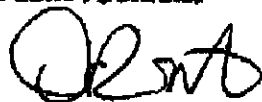
Dennis R. Nolte
Non-Public Arbitrator

Signature Date

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

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James Barry Wright
Public Arbitrator



Dennis R. Nolte
Non-Public Arbitrator

Signature Date

7/12/05

Signature Date

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