
Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant

Pauline Langlois

Case Number: 03-03409

Names of the Respondents

Merrill Lynch, Pierce, Fenner and Smith, Inc.

Susan Knollinger

Rebecca Hardt

Hearing Site: Orlando, Florida

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

REPRESENTATION OF PARTIES

For Pauline Langlois, hereinafter referred to as "Claimant": James R. Hooper, Esq. and William Young, Esq., Hooper & Weiss, L.L.C., Orlando, Florida.

For Merrill Lynch, Pierce, Fenner and Smith, Inc. ("Merrill Lynch"), Susan Knollinger ("Knollinger") and Rebecca Hardt ("Hardt"), hereinafter collectively referred to as "Respondents": Richard L. Martens, Esq. and Charles L. Pickett, Esq., Boose Casey Ciklin Lubitz Martens McBane & O'Connell, P.A., West Palm Beach, Florida.

CASE INFORMATION

Statement of Claim filed on or about: March 19, 2003.

Claimant signed the Uniform Submission Agreement: March 19, 2003.

Statement of Answer filed by Respondents on or about: July 17, 2003.

Respondent Merrill Lynch signed Uniform Submission Agreements: July 1, 2003 and August 18, 2003.

Respondent Knollinger signed the Uniform Submission Agreement: August 11, 2003.

Respondent Hardt signed the Uniform Submission Agreement: August 12, 2003.

CASE SUMMARY

Claimant asserted the following causes of action: 1) unsuitability arising from fraud; 2) violations of federal securities laws; 3) negligence; 4) breach of contract; and 5) failure to supervise on theories of individual and control person liability. The causes of action relate to the purchase in Claimant's account of unsuitable

investments, including but not limited to, Fidelity Advisor Growth and Income, Fidelity ADV Technology Fund, Fidelity ADV Utilities Fund, and Sycamore Networks stock.

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: 1) compensatory damages of no less than \$55,786.60; 2) interest; 3) punitive damages; 4) attorney's fees; 5) costs; and 6) such other relief the undersigned arbitrators (the "Panel") deemed just and proper.

Respondents requested: 1) entry of an award in their favor; 2) costs; 3) expungement of all reference to the above captioned arbitration from Respondents Knollinger and Hardt's registration records maintained by the NASD Central Registration Depository ("CRD"); and 4) such other relief the Panel deemed just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

On or about July 22, 2004, Respondents filed a notice of settlement with NASD Dispute Resolution.

On or about July 26, 2004, Claimant filed a notice of settlement with NASD Dispute Resolution.

On or about August 18, 2004, the parties filed their Stipulation to Dismiss and Expunge Susan Knollinger's and Rebecca Hardt's CRD Records. On or about September 29, 2004, the Panel approved the parties' dismissal with prejudice of the above-referenced arbitration proceeding and recommended the expungement of all reference to the above captioned arbitration from Respondents Knollinger and Hardt's registration records maintained by the NASD CRD.

On or about October 28, 2004, Claimant filed her voluntary dismissal with prejudice of the Statement of Claim against Respondents.

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 parties' submissions and the Panel's Order of September 29, 2004, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimant's withdrawal of their claims against Respondents with prejudice is accepted and Respondents are dismissed from this matter.
2. The Panel recommends that all references to the above-captioned arbitration be expunged from Respondents Knollinger's and Hardt'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, Respondents

Knollinger and Hardt 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	= \$ 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(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. Accordingly, Respondent Merrill Lynch is a member firm and 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

Adjournment Fees

No adjournment fees were assessed in this matter.

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 in this matter.

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.

No three-day cancellation fees were assessed in this matter.

Forum Fees and Assessments

The 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 the Panel @ \$750.00 /session	= \$750.00
Pre-hearing conference: January 20, 2004	1 session

Total Forum Fees = \$750.00

The Panel has assessed forum fees in the amount of \$375.00 to Claimant and \$375.00 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 are 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 in this matter.

Fee Summary

Claimant is solely liable for:

Initial Filing Fee	= \$ 225.00
<u>Forum Fees</u>	= \$ 375.00
Total Fees	= \$ 600.00
<u>Less Payments</u>	= \$ 600.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent Merrill Lynch is solely liable for:

Member Fees	= \$3,550.00
Total Fees	= \$3,550.00
<u>Less Payments</u>	= \$3,550.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondents Merrill Lynch, Knollinger and Hardt are jointly and severally liable for:

<u>Forum Fees</u>	= \$ 375.00
Total Fees	= \$ 375.00
<u>Less Payments</u>	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 375.00

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

ARBITRATION PANEL

Concurring Arbitrators' Signatures

_____/s/
James B. Wright
Public Arbitrator, Presiding Chairperson

November 20, 2004
Signature Date

/s/

Geoffrey P. Nuckolls, CPA
Public Arbitrator

November 23, 2004

Signature Date

/s/

Stephen A. Saker
Non-Public Arbitrator

November 22, 2004

Signature Date

November 24, 2004

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

Nov. 19. 2004 4:24PM NASD

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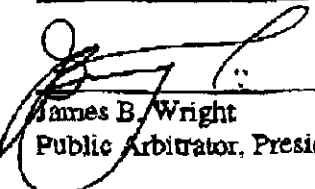
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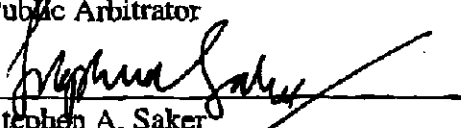
Concurring Arbitrators' Signatures


 James B. Wright
 Public Arbitrator, Presiding Chairperson


 Signature Date

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Geoffrey P. Nuckolls, CPA
Public Arbitrator



Stephen A. Saker
Non-Public Arbitrator

Signature Date

11/22/04

Signature Date

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

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Geoffrey P. Nuckolls, CPA
Public Arbitrator

11/23/04

Signature Date

Stephen A. Saker
Non-Public Arbitrator

Signature Date

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