

Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant

Gary Romett

Case Number: 03-03424

Name of the Respondents

Credit Suisse First Boston Corporation
Shawn Hartpence

Hearing Site: Philadelphia, PA

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

REPRESENTATION OF PARTIES

Claimant, Gary Romett, hereinafter referred to as "Claimant", was represented by Steven H. Berkowitz, Esq., Moore & Berkowitz, Southampton, Pennsylvania.

Respondents, Credit Suisse First Boston Corporation ("CSFB") and Shawn Hartpence ("Hartpence"), hereinafter collectively referred to as "Respondents", were represented by Steven R. Paradise, Esq., Vinson & Elkins L.L.C., New York, New York.

CASE INFORMATION

Statement of Claim filed on May 8, 2003.

Claimant signed the Uniform Submission Agreement on May 7, 2003.

Joint Statement of Answer filed by Respondents on July 18, 2003.

A representative of Respondent CSFB signed the Uniform Submission Agreement on June 18, 2003.

Respondent Hartpence signed the Uniform Submission Agreement on June 18, 2003.

CASE SUMMARY

Claimants asserted the following causes of action: fraud; fraudulent inducement; excessive trading or churning; breach of contract and implied covenant of fair dealing; breach of fiduciary duty; unauthorized trading; violation of NASD Conduct Rules; violations of New York Stock Exchange rules; failure to supervise/*respondeat superior*; unjust enrichment; violation of Pennsylvania Unfair Trade Practices and Consumer Protection Act; and for punitive damages. The claims relate to a joint account maintained at CSFB by Romett and his wife, Doree Romett, for which Hartpence was the registered representative. The causes of action relate to the purchase and sale of various securities, including: Cacheflow; Budget Group, Inc.; Verticalnet; and, Applied Micro Circuits Corporation.

Unless specifically admitted in their Answer, Respondents denied the allegations of wrongdoing set forth in the Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

Claimant requested the following damages: compensatory damages in the amount of \$900,000.00; punitive damages in the amount of \$450,000.00; treble damages; interest; attorneys' fees; and other costs.

Respondents requested that Claimant's Statement of Claim be dismissed against all parties with prejudice.

OTHER ISSUES CONSIDERED AND DECIDED

Claimant dismissed with prejudice this matter as to Respondent Hartpence on or about April 26, 2004.

Claimant and Respondent CSFB have entered into a confidential settlement agreement.

Prior to the hearing, the Parties fully and finally settled all claims by and between them. Therefore, the Parties submit this Stipulated Award to the Panel for its consideration and request that it be entered.

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

AWARD

The parties entered into an agreement to present to the Arbitration Panel (the "Panel") this Stipulated Award. Now, in lieu of a hearing and upon motion of both parties for an entry of an Award and the written stipulation thereto, the Panel grants the motion and enters this Award granting the following relief:

1. The listed parties have amenablely resolved their differences and have requested this Stipulated Award;
2. Respondent CSFB is dismissed with prejudice. Claimant and Respondent CSFB have entered into a confidential settlement agreement;
3. The Panel finds that Claimant's Statement of Claim fails to state a claim against Respondent Hartpence and, therefore recommends the expungement of all reference to the above captioned arbitration from Respondent Hartpence'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 Hartpence must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive;

4. Each party shall bear its own costs and expenses associated with the above-referenced arbitration;
5. Any and all relief not specifically addressed herein, including punitive and treble damages, 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 = \$ 600.00

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firms that employed the associated person(s) at the time of the events giving rise to the dispute. Accordingly, Respondent CSFB is a party.

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

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:

Two (2) Pre-hearing sessions with Panel @ \$ 1,200 = \$ 2,400.00

Pre-hearing conferences:	December 1, 2003	1 session
	January 6, 2004	1 session

Total Forum Fees = \$ 2,400.00

1. The Panel has assessed \$ 1,200.00 of the forum fees to Claimant.

2. The Panel has assessed \$ 1,200.00 of the forum fees jointly and severally to Respondents CSFB and Hartpence.

EEE SUMMARY

1. Claimant is assessed and shall pay the following fees:

Initial Filing Fee	= \$ 600.00
<u>Forum Fees</u>	<u>= \$ 1,200.00</u>
Total Fees	= \$ 1,800.00
<u>Less payments</u>	<u>= \$ 1,700.00</u>
Balance Due NASD Dispute Resolution	= \$ 100.00

2. Respondent, CSFB, is assessed and shall pay the following fees:

<u>Member Fees</u>	= \$ 8,550.00
<u>Total Fees</u>	= \$ 8,550.00
<u>Less payments</u>	= \$ 8,550.00
Balance Due NASD Dispute Resolution	= \$ 00.00

3. Respondents, CSFB and Hartpence, are jointly and severally assessed and shall pay the following fees:


<u>Forum Fees</u>	= \$ 1,200.00
<u>Total Fees</u>	= \$ 1,200.00
<u>Less payments</u>	= \$ 750.00
Balance Due NASD Dispute Resolution	= \$ 450.00

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

ARBITRATION PANEL

Jerry Schuchman, Esq.	-	Public Arbitrator, Presiding Chairperson
William J. McDevitt, Esq.	-	Public Arbitrator, Panelist
Gordon E. Wright	-	Non-Public Arbitrator, Panelist

Concurring Arbitrators' Signatures



Jerry Schuchman, Esq.
Public Arbitrator, Presiding Chairperson

6/4/04

Signature Date

William J. McDevitt, Esq.
Public Arbitrator, Panelist

Signature Date

Gordon E. Wright
Non-Public Arbitrator, Panelist

Signature Date

June 25, 2004

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

Concurring Arbitrators' Signatures

Jerry Schuchman, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

William J. McDevitt
William J. McDevitt, Esq.
Public Arbitrator, Panelist

6/24/2004
Signature Date

Gordon E. Wright
Non-Public Arbitrator, Panelist

Signature Date

June 25, 2004
Date of Service (For NASD Dispute Resolution office use only)

Concurring Arbitrators' Signatures

Jerry Schuchman, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

William J. McDevitt, Esq.
Public Arbitrator, Panelist

Signature Date

Gordon E. Wright
Non-Public Arbitrator, Panelist

06/24/04
Signature Date

June 25, 2004
Date of Service (For NASD Dispute Resolution office use only)