
Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Names of the Claimants

Case Number: 03-06321

Harold P. Glaser IRA

Harold P. Glaser Roth IRA

Joyce A. Glaser IRA

Harold P. Glaser and Joyce A. Glaser JTWROS

Names of the Respondents

Hearing Site: Orlando, Florida

Merrill Lynch, Pierce, Fenner & Smith, Inc.

James Potter

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

REPRESENTATION OF PARTIES

For Harold P. Glaser IRA ("H. Glaser IRA"), Harold P. Glaser Roth IRA ("H. Glaser Roth IRA"), Joyce A. Glaser IRA ("J. Glaser IRA") and Harold P. Glaser and Joyce A. Glaser JTWROS ("H. and J. Glaser"), hereinafter collectively referred to as "Claimants": Eduardo A. Rodriguez, Esq., Hooper & Weiss, LLC, Orlando, Florida.

For Merrill Lynch, Pierce, Fenner & Smith, Inc. ("Merrill") and James Potter ("Potter"), hereinafter collectively referred to as "Respondents": Cory S. Zadanosky, Esq., Boose Casey Ciklin Lubitz Martens McBane & O'Connell, P.A., West Palm Beach, Florida.

CASE INFORMATION

Statement of Claim filed on or about: September 2, 2003.

Claimant J. Glaser IRA signed the Uniform Submission Agreement: July 6, 2003.

Claimants H. Glaser IRA, H. Glaser Roth IRA and H. and J. Glaser signed the Uniform Submission Agreements: July 8, 2003.

Statement of Answer filed by Respondents on or about: December 8, 2003.

Respondent Merrill signed the Uniform Submission Agreement: October 13, 2003.

Respondent Potter signed the Uniform Submission Agreement: December 9, 2003.

CASE SUMMARY

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

Unless specifically admitted, 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 \$595,243.55; 2) punitive damages; 3) attorneys' fees; 4) costs; and, 5) any other remedy deemed just and equitable by the Panel.

Respondents requested: 1) that the Claim be dismissed in its entirety; 2) that the matter be expunged from the NASD Central Registration Depository ("CRD") records of Respondent Potter; and, 3) that all costs be assessed against Claimants.

OTHER ISSUES CONSIDERED AND DECIDED

On or about January 27, 2005, Claimants filed with NASD Dispute Resolution a Notice of Voluntary Dismissal of Arbitration Claim as to Respondent Potter.

On or about March 24, 2005, the parties filed with NASD Dispute Resolution a proposed Stipulated Award for consideration by the Panel.

On or about April 1, 2005, the parties filed with NASD Dispute Resolution a notice of settlement.

On or about April 6, 2005, the parties filed with NASD Dispute Resolution a Stipulation to Dismiss and Expunge Potter's NASD CRD Record.

This matter involved disputed claims and was dismissed with prejudice by Claimants prior to the submission of any evidence by any party, and prior to the final arbitration hearing. No evidence was ever submitted to this Panel by any party of any wrongdoing by Respondents. Accordingly, the parties requested that all references to this arbitration proceeding be expunged from the NASD CRD record of Respondent Potter.

The parties have agreed that the Stipulated Award in this matter may be executed in counterpart copies or that a handwritten, signed Stipulated Award may be entered. In either case, the parties have agreed to receive conformed copies of the Stipulated Award while the original(s) remain on file with NASD Dispute Resolution.

AWARD

After considering the pleadings, the Stipulation to Dismiss and Expunge Respondent Potter's NASD CRD Record and the proposed Stipulated Award, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimants' withdrawal of their claims against Respondents is accepted and Respondents are dismissed from this matter, with prejudice.

2. The Panel recommends the expungement of all references to the above captioned arbitration from Respondent Potter's registration records maintained by the NASD CRD, with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondent Potter 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 = \$ 375.00

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 Merrill is a member firm and a party.

Member surcharge	= \$2,250.00
Pre-hearing process fee	= \$ 750.00
<u>Hearing process fee</u>	<u>= \$4,000.00</u>
Total Member Fees	= \$7,000.00

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:

There were no three-day cancellation fees assessed during these proceedings.

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:

One (1) Pre-hearing session with Panel @ \$1,200.00 per session	= \$1,200.00
Pre-hearing conference: April 12, 2004 1 session	
<hr/> Total Forum Fees	<hr/> = \$1,200.00

The Panel has assessed forum fees in the amount of \$600.00 to Claimants, jointly and severally.
The Panel has assessed forum fees in the amount of \$600.00 to Respondent Merrill.

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	= \$ 375.00
<u>Forum Fees</u>	<u>= \$ 600.00</u>
Total Fees	= \$ 975.00
<u>Less payments</u>	<u>= \$ 975.00</u>
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent Merrill is solely liable for:

Forum Fees	= \$ 600.00
<u>Member Fees</u>	<u>= \$7,000.00</u>
Total Fees	= \$7,600.00
<u>Less payments</u>	<u>= \$7,000.00</u>
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

Simone Sicola	-	Public Arbitrator, Presiding Chairperson
Lauren S. Puritz, Esq.	-	Public Arbitrator
Robert K. Mackenzie	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

/s/
Simone Sicola
Public Arbitrator, Presiding Chairperson

April 28, 2005
Signature Date

/s/
Lauren S. Puritz, Esq.
Public Arbitrator


April 24, 2005
Signature Date

/s/
Robert K. Mackenzie
Non-Public Arbitrator

April 25, 2005
Signature Date

May 2, 2005
Date of Service (For NASD Dispute Resolution office use only)

Concurring Arbitrators' Signatures



Simone Sicola
Public Arbitrator, Presiding Chairperson

4/28/05
Signature Date

Lauren S. Puritz, Esq.
Public Arbitrator

Signature Date

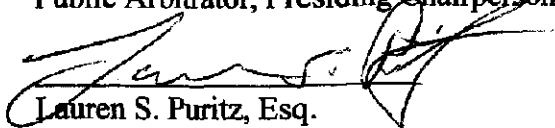
Robert K. Mackenzie
Non-Public Arbitrator

Signature Date

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

Concurring Arbitrators' Signatures

Simone Sicola
Public Arbitrator, Presiding Chairperson


Lauren S. Puritz, Esq.
Public Arbitrator

Signature Date

4-24-04
Signature Date

Robert K. Mackenzie
Non-Public Arbitrator

Signature Date

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

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APR 29 2005

FL ARBITRATION

Concurring Arbitrators' Signatures

Simone Sicola
Public Arbitrator, Presiding Chairperson

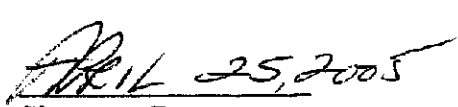
Signature Date

Lauren S. Puritz, Esq.
Public Arbitrator

Signature Date



Robert K. Mackenzie
Non-Public Arbitrator



Signature Date

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