

Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

S. Marvin Friedman and Rivka Friedman (Claimants) v. Chase Investment Services Corp. and
Neil Cunningham (Respondents)

Case Number: 04-00127

Hearing Site: New York, New York

REPRESENTATION OF PARTIES

Claimants S. Marvin Friedman and Rivka Friedman hereinafter collectively referred to as
"Claimants": Brian H. Reis, Esq., New York, NY.

Respondent Chase Investment Services Corp. and Neil Cunningham hereinafter collectively
referred to as "Respondents": Matthew C. Plant, Esq., Bressler, Amery & Ross, P.C., New York,
NY.

CASE INFORMATION

Statement of Claim filed on or about: January 5, 2004.

Claimants signed the Uniform Submission Agreement: January 6, 2004.

Statement of Answer filed by Respondents' on or about: November 24, 2004.

Respondents Chase Investment Services Corp. signed the Uniform Submission Agreement:
October 22, 2004.

Respondent Neil Cunningham signed the Uniform Submission Agreement: October 22, 2004.

CASE SUMMARY

Claimants asserted the following causes of action: solicitation and execution of unsuitable
investments; over concentration; failure to follow instructions to invest consistently with
Claimants' investment objective; and negligent supervision of Cunningham by CISC.

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

Claimants requested compensatory damages in the amount of \$400,000.

Respondents requested dismissal of the Statement of Claim in its entirety with prejudice and that the Panel of Arbitrators assess costs against Claimants and other further relief as the Panel of Arbitrators deems just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

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

The Parties agreed that counsels may sign the Award in this matter on their behalf.

AWARD

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

1. Respondent Merrill Lynch, Pierce, Fenner and Smith Incorporated is dismissed with prejudice. Claimant and Merrill Lynch, Pierce, Fenner and Smith Incorporated has entered into a confidential settlement agreement.
2. The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Neil Cunningham'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 Neil Cunningham must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.
3. Each party shall bear its own costs and expenses associated with the above-referenced arbitration.
4. Any and all relief not specifically addressed herein is denied.

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 = \$ 300.00

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. In this matter, the member firm Chase Investment Services Corp. is a party.

Member Surcharge	= \$ 1,700.00
Pre-Hearing Process Fee	= \$ 750.00
Hearing Process Fee	= \$ 2,750.00

Forum Fees and Assessments

The Panel assesses forum fees for each hearing session conducted. A hearing 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. Forum fees associated with these proceedings are:

One (1) Pre-hearing conference session with the Panel @ \$1,125.00	= \$ 1,125.00
<u>Pre-hearing conference: March 2, 2005 1 session</u>	
Total Forum Fees	= \$ 1,125.00

1. In accordance with Rule 10306 of the NASD Code of Arbitration Procedure Claimants have been assessed \$375.00 of the forum fees.
2. In accordance with Rule 10306 of the NASD Code of Arbitration Procedure Respondent Chase Investment Services Corp. has been assessed \$375.00 of the forum fees.
3. In accordance with Rule 10306 of the NASD Code of Arbitration Procedure Respondent Neil Cunningham has been assessed \$375.00 of the forum fees.

Fee Summary

1. Claimants are liable for:

Initial Filing Fee	= \$ 300.00
Forum Fees	= \$ 375.00
Total Fees	= \$ 675.00
<u>Less payments</u>	= \$ 1,425.00
Refund due Claimants	= \$ 750.00

2. Respondent Chase Investment Service Corp. is solely liable for:

Member Fees	= \$ 5,200.00
Forum Fees	= \$ 375.00
Total Fees	= \$ 5,575.00
<u>Less payments</u>	= \$ 5,200.00
Balance Due NASD Dispute Resolution	= \$ 375.00

3. Respondent Neil Cunningham is solely liable for:

Forum Fees	= \$ 375.00
Total Fees	= \$ 375.00
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 375.00

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

ARBITRATION PANEL

Noel B. Berman, Esq.	-	Public Arbitrator, Presiding Chair
Paul B. Glantz	-	Public Arbitrator
Richard H. Tierney	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

I, the undersigned arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument, which is my award.



Noel B. Berman, Esq.
Public Arbitrator, Presiding Chair

2/7/06
Signature Date

Paul B. Glantz
Public Arbitrator

Signature Date

Richard H. Tierney
Non-Public Arbitrator

Signature Date

March 3, 2006

Date of Service (For NASD office use only)

ARBITRATION PANEL

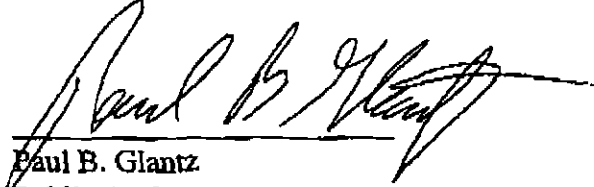
Noel B. Berman, Esq.	-	Public Arbitrator, Presiding Chair
Paul B. Glantz	-	Public Arbitrator
Richard H. Tierney	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

I, the undersigned arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument, which is my award.

Noel B. Berman, Esq.
Public Arbitrator, Presiding Chair

Signature Date



Paul B. Glantz
Public Arbitrator



Signature Date

Richard H. Tierney
Non-Public Arbitrator

Signature Date

March 3, 2006
Date of Service (For NASD office use only)

ARBITRATION PANEL

Noel B. Berman, Esq.	-	Public Arbitrator, Presiding Chair
Paul B. Glantz	-	Public Arbitrator
Richard H. Tierney	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

I, the undersigned arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument, which is my award.

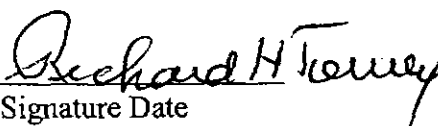
Noel B. Berman, Esq.
Public Arbitrator, Presiding Chair

Signature Date

Paul B. Glantz
Public Arbitrator

Signature Date

Richard H. Tierney
Non-Public Arbitrator


Signature Date

March 3, 2006
Date of Service (For NASD office use only)