

**Stipulated Award
NASD Dispute Resolution**

In the Matter of the Arbitration Between:

Names of the Claimants

Judith A. and Hugh J. Mumford

Case Number: 04-00261

Names of the Respondents

Merrill Lynch, Pierce, Fenner & Smith, Inc.
Eric W. Harding

Hearing Site: Pittsburgh, PA

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

REPRESENTATION OF PARTIES

Claimants, Judith A. and Hugh J. Mumford, hereinafter collectively referred to as "Claimants", were represented by Roy E. Leonard, Esq., Sonecipher, Cunningham, Beard & Schmitt, P.C., Pittsburgh, Pennsylvania.

Respondents, Merrill Lynch, Pierce, Fenner & Smith, Inc. ("Merrill Lynch") and Eric W. Harding ("Harding"), hereinafter collectively referred to as "Respondents", were represented Alan S. Rafterman, Esq., Merrill Lynch, New York, New York.

CASE INFORMATION

Statement of Claim filed on January 15, 2004.

Claimants signed the Uniform Submission Agreement on December 14, 2003.

Statement of Answer filed by Respondents on March 16, 2004.

A representative of Respondent Merrill Lynch signed the Uniform Submission Agreement on March 11, 2004.

Respondent Harding signed the Uniform Submission Agreement on July 6, 2004.

CASE SUMMARY

Claimants asserted the following causes of action: negligence; breach of contract; breach of fiduciary duty; fraud; negligent misrepresentation; violation of federal and state laws; and, violations Pennsylvania Unfair Trade Practices and Consumer Protection Law; and, violations of section 20 of the Exchange Act of 1934. The causes of action relate to the purchase and sale of high tech, biotech, telecom and alternative energy company stocks.

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

RELIEF REQUESTED

Claimants requested \$94,191.00 in compensatory damages; prejudgment interest; treble damages; and, punitive damages, costs and attorneys' fees in unspecified amounts.

Respondents requested dismissal of the Statement of Claim; expungement of Respondent Harding's regulatory record; and costs associated with the arbitration.

OTHER ISSUES CONSIDERED AND DECIDED

Prior to the hearing, the Claimants dismissed all claims against Respondents. 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

Pursuant to the above, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. The Panel recommends the expungement of all reference to the above-captioned arbitration from Respondent Harding'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 Harding must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive;
2. The parties shall bear their respective costs, including attorneys' fees, except as Fees are specifically addressed below; and,
3. Any and all relief not specifically addressed herein, including punitive 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 = \$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. Accordingly, Merrill Lynch 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 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 Panel @ \$1,125.00	= \$1,125.00
Pre-hearing conference: July 16, 2004 1 session	

Total Forum Fees	= \$1,125.00
------------------	--------------

1. The Panel has assessed \$562.50 of the forum fees to Claimants.
2. The Panel has assessed jointly and severally \$562.50 of the forum fees to Respondents.

Fee Summary

1. Claimants are assessed and shall pay:

Initial Filing Fee	= \$ 300.00
Forum Fees	= \$ 562.50
Total Fees	= \$ 862.50
Less payments	= \$1,425.00
Refund owed Claimants from NASD Dispute Resolution	= \$ 562.50

2. Respondent Merrill Lynch is assessed and shall pay:

Member Fees	= \$5,200.00
Total Fees	= \$5,200.00
Less payments	= \$5,200.00
Balance Due NASD Dispute Resolution	= \$ 0.00

3. Respondents are jointly and severally assessed and shall pay:

Forum Fees	= \$ 562.50
Total Fees	= \$ 562.50
Less payments	= \$ 562.50
Balance Due NASD Dispute Resolution	= \$ 0.00

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

ARBITRATION PANEL

Beth Rackley Hesselson
Jay H. Feldstein, Esq.
Kathleen A. Hanula

- Public Arbitrator, Presiding Chairperson
- Public Arbitrator, Panelist
- Non-Public Arbitrator, Panelist

Concurring Arbitrators' Signatures



Beth Rackley Hesselson
Public Arbitrator, Presiding Chairperson

5-5-05

Date

Jay H. Feldstein, Esq.
Public Arbitrator, Panelist

Date

Kathleen A. Hanula
Non-Public Arbitrator, Panelist

Date

May 9, 2005

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

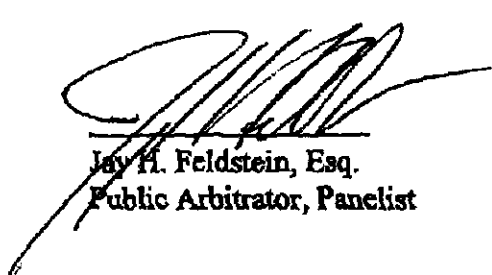
ARBITRATION PANEL

Beth Rackley Hesselson	-	Public Arbitrator, Presiding Chairperson
Jay H. Feldstein, Esq.	-	Public Arbitrator, Panelist
Kathleen A. Hanula	-	Non-Public Arbitrator, Panelist

Concurring Arbitrators' Signatures

Beth Rackley Hesselson
Public Arbitrator, Presiding Chairperson

Date


Jay H. Feldstein, Esq.
Public Arbitrator, Panelist

5/2/05
Date

Kathleen A. Hanula
~~Non-Public Arbitrator, Panelist~~

Date

May 9, 2005
Date of Service (For NASD Dispute Resolution office use only)

ARBITRATION PANEL

Beth Rackley Hesselson	-	Public Arbitrator, Presiding Chairperson
Jay H. Feldstein, Esq.	-	Public Arbitrator, Panelist
Kathleen A. Hanula	-	Non-Public Arbitrator, Panelist

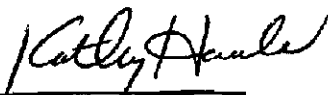
Concurring Arbitrators' Signatures

Beth Rackley Hesselson
Public Arbitrator, Presiding Chairperson

Date

Jay H. Feldstein, Esq.
Public Arbitrator, Panelist

Date



Kathleen A. Hanula
Non-Public Arbitrator, Panelist

5/3/05.

Date

May 9, 2005

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