

Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Paul Kane and Douglas Chin, Claimants V. Frank Pantina and Teresa Pantina, Respondent

Case Number: 04-00414

REPRESENTATION OF PARTIES

Claimants, Paul Kane and Douglas Chin, hereinafter collectively referred to as "Claimants" appeared through Matthew C. Plant, Esq., of the firm Bressler, Amery & Ross, P.C., New York, New York

Respondent, Frank Pantina and Teresa Pantina, hereinafter referred to as "Respondents" appeared Martin J. Siegel, Esq., New York, New York.

CASE INFORMATION

Statement of Claim filed on or about: January 22, 2004.

Claimants Paul Kane and Douglas Chin signed the Uniform Submission Agreement: January 2004.

Respondent waived section 10314(b) of the NASD Code of Arbitration Procedure (the "Code") which pertains to the filing of an Answer and Section 10308 as it relates to the selection of an arbitration panel.

CASE SUMMARY

In their Statement of Claim, Claimants seek an order to expunge NASD Case No. 01-03320 from the NASD Central Registration Depository ("CRD") records of Paul Kane and Douglas Chin.

RELIEF REQUESTED

Claimants seek an order to expunge NASD Case No. 01-03320 from the NASD Central Registration Depository ("CRD") records of Paul Kane and Douglas Chin

Respondent did not object to the relief requested by Claimants.

OTHER ISSUES CONSIDERED AND DECIDED

Respondent Frank Pantina and Teresa Pantina did not file with the NASD Dispute Resolution properly executed submission agreement but are required to submit to arbitration pursuant to the NASD Code of Arbitration Procedure (the "Code") and is bound by the determination of the Arbitrator on all issues submitted.

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

AWARD

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

1) Claimants' claims are dismissed in their entirety. 2) The Arbitrator recommends the expungement of all reference to NASD Case No. 01-03220 from Claimants Paul Kane and Douglas Chin 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, Claimants Paul Kane and Douglas Chin must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

FEES

Pursuant to the Code, the following fees are assessed:

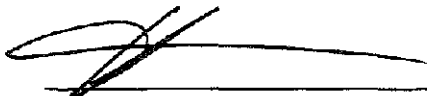
Filing Fees

NASD Dispute Resolution shall retain or collect the \$1,250.00 filing fees that the Claimants' deposited previously.

Member Fees

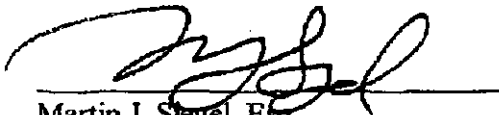
Pursuant to Rule 10333 of the Code, Merrill Lynch, Pierce, Fenner & Smith, Inc., has paid to NASD Dispute Resolution the \$1,500.00 Member Surcharge Previously invoiced.

Parties' Signatures



Matthew C. Plant, Esq.
Attorney for Claimants
Paul Kane and Douglas Chin

1/10/05
Signature Date



Martin J. Siegel, Esq.
Attorney for Respondents
Frank Pantina and Teresa Pantina

1/10/05
Signature Date

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ARBITRATOR

Gloria Messinger, Esq. – Sole Public Arbitrator

AFFIRMATION

I, Gloria Messinger, Esq., 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.


Gloria Messinger, Esq.

January 17, 2005
Signature Date

January 21, 2005

Date of Service (For NASD office use only)