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**Stipulated Award**  
**NASD Dispute Resolution**

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In the Matter of the Arbitration Between:

Name of the Claimant

Elizabeth Ann Strickland

Case Number: 04-01423

Names of the Respondents

Salomon Smith Barney, Inc.

Carol Ann Hanlon

Hearing Site: Atlanta, Georgia

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

**REPRESENTATION OF PARTIES**

For Elizabeth Ann Strickland, hereinafter referred to as "Claimant": Pat H. Huddleston, II, Esq., Huddleston & Nohr, Marietta, Georgia.

For Salomon Smith Barney, Inc. ("Smith Barney"), hereinafter referred to as "Respondent Smith Barney": G. Wayne Hillis, Jr., Esq. and Cinnamon V. Davis, Esq., Parker, Hudson, Rainer & Dobbs, LLP, Atlanta, Georgia.

For Carol Ann Hanlon ("Hanlon"), hereinafter referred to as "Respondent Hanlon": Debra A Jenks, Esq., Dobin & Jenks, LLP, Jupiter, Florida.

**CASE INFORMATION**

Statement of Claim filed on or about: March 1, 2004.

Claimant signed the Uniform Submission Agreement: October 24, 2003.

Respondent Smith Barney signed the Uniform Submission Agreement: May 4, 2004.

Statement of Answer jointly filed by Respondents Smith Barney and Hanlon on or about: May 7, 2004.

Respondent Hanlon signed the Uniform Submission Agreement: June 9, 2004.

Motion to Amend Answer jointly filed by Respondents Smith Barney and Hanlon on or about: March 7, 2005.

Response to Respondents' Motion to Amend filed by Claimant on or about: March 17, 2005.

**CASE SUMMARY**

Claimant asserted the following causes of action: violations of federal and Georgia securities laws, 15 U.S.C. § 78j (b), 17 C.F.R. 240.10b-5 and O.C.G.A. § 10-5-12; violation of NASD Conduct Rule 2310; churning; breach of fiduciary duty, negligent representation and omission; failure to supervise; and, respondeat superior as to Respondent Smith Barney. The causes of action relate to the purchase and sale of unspecified high-tech and dot-com stocks in Claimant's account.

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

### **RELIEF REQUESTED**

Claimant requested compensatory damages in the amount of \$100,000.00, plus interest, attorneys' fees, tax losses, disgorgement of excessive commissions, costs and punitive damages to be determined by the Panel at the hearing.

Respondents Smith Barney and Hanlon requested that that the Panel deny Claimant's claims in their entirety and award Respondents Smith Barney and Hanlon all other relief to which they may be entitled, including their costs and reasonable attorneys' fees.

### **OTHER ISSUES CONSIDERED AND DECIDED**

On or about April 1, 2005, the Panel issued an order granting Respondents joint motion to amend their answer to assert the defense that Claimant's claims are barred in whole or in part by Rule 10304 of the NASD Code of Arbitration Procedure (the "Code").

On or about June 3, 2005, Claimant notified NASD Dispute Resolution that this matter had been settled and that a proposed Stipulated Award was forthcoming.

On or about June 21, 2005, the parties filed a proposed Stipulated Award asserting that all claims against Respondents Smith Barney and Hanlon had been dismissed with prejudice and requesting that the Panel enter a Stipulated Award expunging this matter from the NASD Central Registration Depository ("CRD") records of Respondent Hanlon.

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

### **AWARD**

After considering the pleadings, the proposed Stipulated Award, the record in this matter and pursuant to the parties' agreement, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimant's claims against Respondents Smith Barney and Hanlon are hereby dismissed with prejudice.
2. The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Hanlon's registration records maintained by the NASD CRD, with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondent Hanlon must obtain confirmation from a court of competent jurisdiction before the NASD CRD will execute the expungement directive.
3. Any and all relief not specifically addressed herein is denied with prejudice.

### FEES

Pursuant to the NASD Code of Arbitration Procedure (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 = \$ 225.00

#### Member Fees

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

Member surcharge = \$ 1,100.00

Pre-hearing process fee = \$ 750.00

Hearing process fee = \$ 1,700.00

Total Member Fees = \$ 3,550.00

#### Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

No adjournment fees were requested in this matter.

#### 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 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 @ \$ 750.00 = \$ 750.00

Pre-hearing conference: October 8, 2004 1 session

Total Forum Fees = \$ 750.00

The Panel has assessed \$375.00 of the forum fees to Claimant.

The Panel has assessed \$375.00 of the forum fees jointly and severally to Respondents Smith Barney and Hanlon.

**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**

1. Claimant is solely liable for:

Initial Filing Fee	= \$ 225.00
<u>Forum Fees</u>	= \$ 375.00
Total Fees	= \$ 600.00
<u>Less payments</u>	= \$ 600.00
Balance Due NASD Dispute Resolution	= \$ 0.00

3. Respondent Smith Barney is solely liable for:

<u>Member Fees</u>	= \$3,550.00
Total Fees	= \$3,350.00
<u>Less payments</u>	= \$3,550.00
Balance Due NASD Dispute Resolution	= \$ 0.00

4. Respondents Smith Barney and Hanlon are jointly and severally liable for:

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

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

**ARBITRATION PANEL**

Perry P. Benton, Esq.	-	Public Arbitrator, Presiding Chairperson
David D. Brown, Esq.	-	Public Arbitrator
Sandra J. Bakalus	-	Non-Public Arbitrator

**Concurring Arbitrators' Signatures**

/s/

07/29/05

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Perry P. Benton, Esq.  
Public Arbitrator, Presiding Chairperson

\_\_\_\_\_  
Signature Date

/s/

07/29/05

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David D. Brown, Esq.  
Public Arbitrator

\_\_\_\_\_  
Signature Date

/s/

07/31/05

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Sandra J. Bakalus  
Non-Public Arbitrator

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Signature Date

08/01/2005

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Date of Service (For NASD Dispute Resolution use only)

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Concurring Arbitrators' Signatures



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Public Arbitrator, Presiding Chairperson

  
Signature Date

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David D. Brown, Esq.  
Public Arbitrator

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David D. Brown, Esq.  
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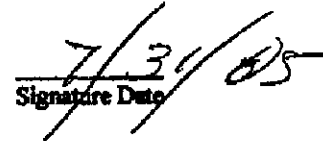
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