

Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Benedetta Coccia (Claimant) v. AXA Advisors, LLC and Robert Tighe (Respondents)

Case Number: 04-01839

Hearing Site: Buffalo, New York

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

REPRESENTATION OF PARTIES

Claimant Benedetta Coccia ("Coccia") hereinafter referred to as "Claimant": Joanne A. Schulz, Esq., Williamsville, NY.

Respondent AXA Advisors, LLC ("AXA"): Thomas R. Cox, Esq., Miller, Canfield, Paddock & Stone, P.L.C., Detroit, MI.

Respondent Robert Tighe ("Tighe"): Kevin J. Windels, Esq., D'Amato & Lynch, New York, NY.

CASE INFORMATION

Statement of Claim filed on or about: March 15, 2004.

Claimant signed the Uniform Submission Agreement: March 11, 2004.

Statement of Answer filed by Respondent AXA on or about: June 10, 2004.

Joinder in Respondent Tighe's Motion to Dismiss filed by Respondent AXA on or about: July 27, 2004.

Respondent AXA signed the Uniform Submission Agreement: May 13, 2004.

Statement of Answer and Motion to Dismiss filed by Respondent Tighe on or about: June 1, 2004.

Respondent Tighe signed the Uniform Submission Agreement: May 25, 2004.

CASE SUMMARY

Claimant asserted the following causes of action: failure to supervise; breach of contract; breach of duty; common law fraud; violation of federal and state securities laws; deceptive acts and practices; and unsuitability. The causes of action relate to a variable annuity, Alliance Common Stock, Alliance Equity Index, and MFS Emerging Growth Cos.

Unless specifically admitted in its Answer, Respondent AXA denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

Unless specifically admitted in his Answer and Motion to Dismiss, Respondent Tighe denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$250,000.00; pre-judgment interest at the rate of 9% per annum; punitive damages; costs, expenses, and disbursements, including reasonable attorneys' fees, pursuant to New York General Business Law §349; and such other and further relief as the Panel deemed just and proper.

Respondent AXA requested that the Arbitrators dismiss the Statement of Claim; costs and reasonable attorneys' fees; and such other and further relief as is just and appropriate. In its Joinder in Respondent Tighe's Motion to Dismiss, Respondent AXA requested that the Arbitrators dismiss the claim; enter an Award of no cause of action as to AXA; costs and reasonable attorneys' fees; and such other and further relief as is just and equitable.

Respondent Tighe requested an award dismissing the Statement of Claim with prejudice; and such other and further relief as the Panel deems just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

On or about January 25, 2005, NASD Dispute Resolution was notified that the parties settled this matter and Claimant agreed to withdraw and dismiss all claims against the Respondents with prejudice and without costs.

Claimant, having had an opportunity to review the records and documents produced in prehearing discovery, stipulates and agrees with Respondents to the expungement of all reference to the above-captioned arbitration from all registration records of Respondent Robert Tighe maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondent Robert Tighe must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

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

AWARD

After considering the parties' submissions, representations and stipulations, but without making any findings of fact or conclusions of law, the undersigned Arbitrators order as follows:

1. All claims having been withdrawn, the same are hereby dismissed with prejudice and without

costs, except as specified hereinafter.

2. The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Robert Tighe'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 Robert Tighe must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.
3. Any and all relief not specifically addressed herein, including punitive damages, 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 = Waived

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, AXA Advisors, LLC 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 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 @ \$1,125.00	= \$1,125.00
Pre-hearing conference: August 12, 2004 1 session	
Total Forum Fees	= \$1,125.00

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

Fee Summary

1. Claimant is solely liable for:

<u>Forum Fees</u>	= \$ 562.50
<u>Total Fees</u>	= \$ 562.50
<u>Less payments</u>	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 562.50

2. Respondent AXA is solely liable for:

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

3. Respondents are jointly and severally liable for:


<u>Forum Fees</u>	= \$ 562.50
<u>Total Fees</u>	= \$ 562.50
<u>Less payments</u>	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 562.50

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

Parties' Signatures



Benedetta Coccia
Claimant

3-7-05
Signature Date


AXA Advisors, LLC
Respondent

9/7/05
Signature Date


Robert Tighe
Respondent


Signature Date

Parties' Signatures

Benadetta Coccia
Claimant

Signature Date

AXA Advisors, LLC
Respondent

Signature Date



Robert Tighe
Respondent

2-24-05
Signature Date

ARBITRATION PANEL

Ralph L. Halpern, Esq.	-	Public Arbitrator, Presiding Chairperson
Philip Marshall, Esq.	-	Public Arbitrator
Richard A. Scalfani	-	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.



Ralph L. Halpern, Esq.
Public Arbitrator, Presiding Chairperson

9-27-05

Signature Date

Philip Marshall, Esq.
Public Arbitrator

Signature Date

Richard A. Scalfani
Non-Public Arbitrator

Signature Date

September 28, 2005

Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL


Ralph L. Halpern, Esq.	-	Public Arbitrator, Presiding Chairperson
Philip Marshall, Esq.	-	Public Arbitrator
Richard A. Scalfani	-	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.

Ralph L. Halpern, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date



Philip Marshall, Esq.
Public Arbitrator

9-26-05

Signature Date

Richard A. Scalfani
Non-Public Arbitrator

Signature Date

September 28, 2005

Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL

Ralph L. Halpern, Esq.	-	Public Arbitrator, Presiding Chairperson
Philip Marshall, Esq.	-	Public Arbitrator
Richard A. Scalfani	-	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.

Ralph L. Halpern, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

Philip Marshall, Esq.
Public Arbitrator

Signature Date

Richard A. Scalfani
Richard A. Scalfani
Non-Public Arbitrator

September 26, 2005
Signature Date

September 28, 2005
Date of Service (For NASD Dispute Resolution use only)