

Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Merrill Lynch, Pierce, Fenner & Smith Incorporated and Joan Most, Claimants vs. Marilyn Pfeiffer, Respondent

Case Number: 04-02293

REPRESENTATION OF PARTIES

Claimants, Merrill Lynch, Pierce, Fenner & Smith Incorporated and Joan Most, hereinafter collectively referred to as "Claimants" appeared through Thomas L. Weisenbeck, Esq., of the firm Bressler, Amery & Ross, P.C., Florham Park, New Jersey.

Respondent, Marilyn Pfeiffer, hereinafter referred to as "Respondent" appeared John J. Blanchard, Esq., Montvale, New Jersey.

CASE INFORMATION

Statement of Claim filed on or about: April 2, 2004.

Claimants Merrill Lynch, Pierce, Fenner & Smith Incorporated and Joan Most signed the Uniform Submission Agreement: March 25, 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. 02-07446 from the NASD Central Registration Depository ("CRD") records of Ms. Most.

RELIEF REQUESTED

Claimants seek a dismissal with prejudice of all claims made by Ms. Pfeiffer in NASD Case No. 02-07446 and an order to expunge NASD Case No. 02-07446 from the NASD Central Registration Depository ("CRD") records of Ms. Most.

Respondent did not object to the relief requested by Claimants.

OTHER ISSUES CONSIDERED AND DECIDED

Respondent Marilyn Pfeiffer 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) The Arbitrator grants Claimants' request to dismiss all claims of Marilyn Pfeiffer in NASD Case No. 02-07446 with prejudice. 2) The Arbitrator recommends the expungement of all reference to NASD Case No. 02-07446 from Claimant Joan Most'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, Claimant Joan Most 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 \$1,500.00 filing fees that the Claimants' deposited previously.

Member Fees

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

Parties' Signatures



Thomas L. Weisenbeck, Esq.
Attorney for Claimants
Merrill Lynch, Pierce, Fenner
& Smith, Incorporated and Joan Most


10/1/04
Signature Date

John J. Blanchard, Esq.
Attorney for Respondent
Marilyn Pfeiffer

Signature Date

Parties' Signatures

Thomas L. Weisenbeck, Esq.
Attorney for Claimants
Merrill Lynch, Pierce, Fenner
& Smith, Incorporated and Joan Most



John J. Blanchard, Esq.
Attorney for Respondent
Marilyn Pfeiffer

Signature Date



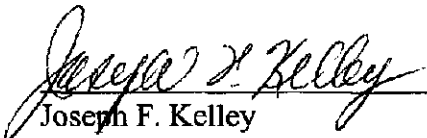
Signature Date

ARBITRATOR

Joseph F. Kelley – Sole Public Arbitrator

AFFIRMATION

I, Joseph F. Kelley, 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.


Joseph F. Kelley

Nov. 19, 2004
Signature Date

November 24, 2004
Date of Service (For NASD office use only)