

Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Glenn A. Fishman vs. Werner Haase Irrevocable Trust

Case Number: 04-02670

Nature of Dispute: Associated Person vs. Customer

REPRESENTATION OF PARTIES

Claimant, Glenn A. Fishman ("Claimant") appeared through Matthew Tracy, Esq., of the firm Winget, Spadafora & Schwartzberg, LLP, New York, NY.

Respondent, Werner Haase Irrevocable Trust ("Respondent") appeared through Amos Alter, Esq., of the firm Jenkins & Gilchrist Parker Chapin, LLP, New York, NY.

CASE INFORMATION

Statement of Claim filed on or about: April 12, 2004.

CASE SUMMARY

In the Statement of Claim, Claimant seeks an order to expunge all references of the proceeding that took place in the Supreme Court of the State of New York in the County of New York in a proceeding styled: Robert Hoberman, as Trustee of the Werner Haase Irrevocable Trust v. Yale M. Fishman, Glenn A. Fishman, Fishman Associates, Lincoln Life & Annuity Company of New York and United States Life Insurance Company on the City of New York; Index No.: 605566/00 from the NASD Central Registration Depository ("CRD") records of Mr. Fishman. Claimant's claim involved unspecified securities.

RELIEF REQUESTED

Claimant seeks an order to expunge all references of the proceeding that took place in the Supreme Court of the State of New York in the County of New York in a proceeding styled: Robert Hoberman, as Trustee of the Werner Haase Irrevocable Trust v. Yale M. Fishman, Glenn A. Fishman, Fishman Associates, Lincoln Life & Annuity Company of New York and United States Life Insurance Company on the City of New York; Index No.: 605566/00 from the NASD Central Registration Depository ("CRD") records of Mr. Fishman.

Respondent did not object to the relief requested by Claimant.

OTHER ISSUES CONSIDERED AND DECIDED

Respondent Werner Haase Irrevocable did not file with the NASD Dispute Resolution a properly executed Uniform Submission Agreement but is 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.

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 recommends the expungement of all reference to the proceeding that took place in the Supreme Court of the State of New York in the County of New York in a proceeding styled: Robert Hoberman, as Trustee of the Werner Haase Irrevocable Trust v. Yale M. Fishman, Glenn A. Fishman, Fishman Associates, Lincoln Life & Annuity Company of New York and United States Life Insurance Company on the City of New York; Index No.: 605566/00 from Claimant Glenn A. Fishman'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 Glenn A. Fishman must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive. 2) All other relief requests are denied.

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 Claimant deposited previously.

Member Fees


Pursuant to Rule 10333 of the Code, Securities America, Inc. has paid to NASD Dispute Resolution the \$1,500.00 Member Surcharge Previously Invoiced.

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Parties' Signatures


Matthew Tracy, Esq.
Attorney for Claimant
Glenn A. Fishman

11/15/04
Signature Date


Amos Alter, Esq.
Attorney for Respondent
Werner Haase Irrevocable Trust

11/17/04
Signature Date

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ARBITRATOR

Barry Mahler – Sole Public Arbitrator

AFFIRMATION

I, Barry Mahler, 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.



Barry Mahler

11/24/04
Signature Date

January 3, 2005
Date of Service (For NASD office use only)