
Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Names of the Claimants

Harold Greene
Deborah Greene

Case Number: 04-03285

Names of the Respondents

Merrill Lynch, Pierce, Fenner & Smith, Incorporated
Robert Bos

Hearing Site: Boca Raton, Florida

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

REPRESENTATION OF PARTIES

For Harold Greene and Deborah Greene, hereinafter collectively referred to as "Claimants":
Darren C. Blum, Esq. and Randall Place, Esq., Blum and Silver, LLP, Coral Springs, Florida.

For Merrill Lynch, Pierce, Fenner & Smith, Incorporated ("Merrill Lynch") and Robert Bos ("Bos"), hereinafter collectively referred to as "Respondents": Judith A. O'Brien, Esq. and Ellen C. Cohen, Esq., Sutherland Asbill & Brennan LLP, Atlanta, Georgia.

CASE INFORMATION

Statement of Claim filed on or about: April 28, 2004.

Claimants signed the Uniform Submission Agreement: April 20, 2004.

Statement of Answer filed by Respondents on or about: October 29, 2004.

Respondent Merrill Lynch signed the Uniform Submission Agreement: June 16, 2004.

Respondent Bos signed the Uniform Submission Agreement: October 27, 2004.

CASE SUMMARY

Claimants asserted the following causes of action: 1) breach of contract; 2) breach of fiduciary duty; 3) NASD and NYSE rule violations; 4) fraud; 5) negligence; and, 6) negligent supervision. The causes of action relate to Claimants' investments in the technology, telecommunications and internet sectors of the market including, but not limited to, AOL, WorldCom, BMC Software, Cisco Systems, EMC Corporation, Intel Corp., Lucent Technologies, Oracle Corp., and Sun Microsystems.

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

RELIEF REQUESTED

Claimants requested: 1) compensatory damages in an amount not less than \$500,000.00; 2) interest; 3)

reasonable market return; 4) rescission; 5) unspecified punitive damages; 6) costs; and, 7) such other relief as the undersigned arbitrators (the "Panel") deemed just and proper.

Respondents requested: 1) that the Panel enter an award dismissing Claimants' Statement of Claim in its entirety; 2) costs; and 3) expungement of all references to the above-mentioned arbitration from the NASD Central Registration Depository ("CRD") record of Respondent Bos.

OTHER ISSUES CONSIDERED AND DECIDED

Prior to the evidentiary hearing, the parties fully and finally settled all claims by and between them.

On or about August 5, 2005, Respondents filed the parties' proposed Stipulated Award that included the parties' notice of settlement.

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

AWARD

After considering the pleadings and the stipulation of the parties, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. The parties have resolved their differences and have requested this Stipulated Award.
2. Pursuant to Rule 2130 of the NASD Code of Arbitration Procedure, the Panel affirmatively finds that (1) the claim, allegation, or information is clearly erroneous; (2) Robert Bos was not involved in any investment-related sales practice violation, forgery, theft, misappropriation, or conversion of funds; and (3) the claim, allegation, or information is false. In support of this finding, the Panel relies upon Respondents' Answer and exhibits attached thereto. *See* Notice to Members 04-16 (March 2004).
3. The Panel recommends the expungement of all references to the above-captioned arbitration from Respondent Robert Bos' registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 04-16, Respondent Bos must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.
4. Unless specifically waived in writing by the NASD, parties seeking judicial confirmation of an arbitration award containing expungement relief must name NASD as an additional party and serve NASD with all appropriate documents.
5. The parties shall bear their respective costs, including attorneys' fees, except as fees are specifically addressed below.
6. Any and all claims for relief not specifically address herein, including punitive damages, are denied in their entirety.

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 = \$ 300.00

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, Respondent Merrill Lynch is a party and a member firm.

Member surcharge = \$1,700.00

Pre-hearing process fee = \$ 750.00

Hearing process fee = \$2,750.00

Total Member Fees = \$5,200.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

There were no adjournment fees assessed during the proceedings.

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 the 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:

Two (2) Pre-hearing sessions with the Panel @ \$1,125.00/session = \$ 2,250.00

Pre-hearing conferences: September 8, 2004 1 session

April 11, 2005 1 session

Total Forum Fees = \$2,250.00

The Panel has assessed \$562.50 of the forum fees to Claimant Harold Greene.

The Panel has assessed \$562.50 of the forum fees to Claimant Deborah Greene.

The Panel has assessed \$562.50 of the forum fees to Respondent Merrill Lynch.

The Panel has assessed \$562.50 of the forum fees to Respondent Bos.

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

Claimants are jointly and severally liable for:

<u>Initial Filing Fee</u>	= \$ 300.00
<u>Total Fees</u>	= \$ 300.00
<u>Less payments</u>	= \$ 300.00
<u>Balance Due NASD Dispute Resolution</u>	= \$ 0.00

Claimant Harold Greene is solely liable for:

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

Claimant Deborah Greene is solely liable for:

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

Respondent Merrill Lynch is solely liable for:

<u>Member Fees</u>	= \$5,200.00
<u>Forum Fees</u>	= \$ 562.50
<u>Total Fees</u>	= \$5,762.50
<u>Less payments</u>	= \$5,200.00
<u>Balance Due NASD Dispute Resolution</u>	= \$ 562.50

Respondent Bos is solely liable for:

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

August 18, 2005
Date of Service (For NASD Dispute Resolution office use only)

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

ARBITRATION PANEL

<i>Martin Weinstein, Esq.</i>	-	<i>Public Arbitrator, Presiding Chairperson</i>
<i>Marie Paulette Levine</i>	-	<i>Public Arbitrator</i>
<i>Lanny M. Leff</i>	-	<i>Non-Public Arbitrator</i>

Concurring Arbitrators' Signatures

Martin Weinstein
Martin Weinstein, Esq.
Public Arbitrator, Presiding Chairperson

8/16/03
Signature Date

Marie Paulette Levine
Public Arbitrator

Signature Date

Lanny M. Leff
Non-Public Arbitrator

Signature Date

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<i>Lanny M. Leff</i>	-	<i>Non-Public Arbitrator</i>

Concurring Arbitrators' Signatures

Martin Weinstein, Esq.
Public Arbitrator, Presiding Chairperson



Marie Paulette Levine
Public Arbitrator

Signature Date

8/17/2005

Signature Date

Lanny M. Leff
Non-Public Arbitrator

Signature Date

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<i>Lanny M. Leff</i>	-	<i>Non-Public Arbitrator</i>

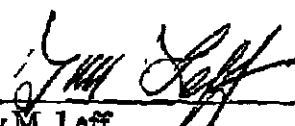
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Signature Date

Marie Paulette Levine
Public Arbitrator

Signature Date



Lanny M. Leff
Non-Public Arbitrator



Signature Date

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