

**Stipulated Award
NASD Dispute Resolution**

In the Matter of Arbitration Between:

ROBERT RODRIQUEZ vs. FIDELITY BROKERAGE SERVICES, LLC

Case Number: 04-05002

Hearing Site:: Dallas, Texas

Nature of the Dispute: Associated Person vs. Member

REPRESENTATION OF THE PARTIES

Claimant Robert Rodriguez ("Rodriguez"):

Larry M. Lesh,
Law Office of Larry M. Lesh
5949 Sherry Lane, Suite 501
Dallas, Texas 75225

Respondent Fidelity Brokerage Services, LLC
("Fidelity")

David C. Boch
Michael R. Weissmann
Jason S. Pinney
Bingham McCutcheon LLP
150 Federal Street
Boston, MA 02110-1726

CASE INFORMATION

Statement of Claimed filed by Rodriguez on or about July 8, 2004.
Rodriguez signed the Uniform Submission Agreement on or about August 31, 2004.

Statement of Answer filed by Fidelity on or about September 3, 2004.
Fidelity signed the Uniform Submission Agreement on or about September 8, 2004.

CASE SUMMARY

Rodriguez asserted the following causes of action: Interference with protected rights; violation of Employee Retirement Income Security Act; wrongful termination; and defamation.

Fidelity denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

Rodriquez requested:

Compensatory Damages:	\$4,444,444.00
Punitive Damages	\$4,444,444.00
Interest	Unspecified
Attorney Fees	Unspecified
Other Costs	Unspecified
Non-Monetary Relief:	Expungement

Respondent requested that the Panel dismiss the claims in their entirety.

OTHER ISSUES CONSIDERED AND DECIDED

At the hearing on April 7, 2006, the parties advised the Panel that they had reached an agreement on settlement and would be submitting a Stipulated Award.

AWARD

After considering the pleadings, the testimony and evidence presented at the hearing, and the agreement of the parties, the Panel, without making any findings of fact or conclusions of law, orders as follows:

1. Pursuant to the parties agreement, the claims asserted by Claimant Robert Rodriguez are dismissed;
2. The Panel recommends the expungement from Claimant Robert Rodriguez's registration records maintained by the NASD Central Registration Depository ("CRD") of the information contained in Item Number 3 of the Claimant Robert Rodriguez's Form U5 that Claimant Robert Rodriguez "Violated Firm Policy by Accessing and Attempting to Remove Fidelity Confidential Data Including Confidential Plan and Customer Information" based on the defamatory nature of the information. The Panel further directs Respondent Fidelity Brokerage Services, LLC to prepare and deliver to CRD a Form U5 stating that the employment of Claimant Robert Rodriguez with Respondent Fidelity Brokerage Services, LLC was terminated because "Irreconcilable differences arose between the Firm and Mr. Rodriguez";
3. The parties shall bear their own costs of arbitration, including any attorneys' fees, except for those sums specifically enumerated in this decision;
4. Any relief not specifically addressed herein is hereby denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution will retain or collect the non-refundable fees for each claim:

Initial claim filing fee	= \$ 600.00
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Member Fees

Member fees are assessed to each member firm that is a party to 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 Fidelity Brokerage Services, LLC is a party and the following member fees are assessed:

Member surcharge	= \$ 3,350.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$ 5,500.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

June 28, 2006 – July 1, 2006 adjournment by Claimant (Waived by Panel)	= \$ 1,200.00
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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:

June 27, 2005 postponement by Claimant (\$150.00 assessed to each party)	= \$ 300.00
April 7, 2006 settlement (\$150.00 assessed to each party)	= \$ 300.00

Forum Fees and Assessments

The Panel has assessed forum fees for each session conducted or each decision rendered on a discovery-related motion on the papers. 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 a single arbitrator @ \$ 450.00	= \$ 450.00
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Pre-hearing conference:	May 19, 2005	1 session	
One (1) Pre-hearing session with Panel @ \$1,200.00			= \$ 1,200.00
Pre-hearing conference:	November 8, 2004	1 session	
Sixteen (16) Hearing sessions @ \$1,200.00			= \$19,200.00
Hearing Dates:	June 27, 2005	2 sessions	
	January 17, 2006	2 sessions	
	January 18, 2006	2 sessions	
	January 19, 2006	2 sessions	
	January 20, 2006	2 sessions	
	April 5, 2006	2 sessions	
	April 6, 2006	2 sessions	
	April 7, 2006	2 sessions	
<hr/> Total Forum Fees			= \$20,850.00

The Panel has assessed \$10,425.00 of the forum fees to Claimant Robert Rodriguez, and the remaining \$10,425.00 to Respondent Fidelity Brokerage Services, LLC.

FEE SUMMARY

Claimant, Robert Rodriguez, is solely liable for:

Initial Filing Fee	= \$ 600.00
Three-Day Cancellation Fee	= \$ 300.00
Forum Fees	= \$10,425.00
Total Fees	= \$11,325.00
Less payments	= \$ 1,800.00
Balance Due NASD Dispute Resolution	= \$ 9,525.00

Respondent, Fidelity Brokerage Services, LLC, is solely liable for:

Member Fees	= \$ 9,600.00
Three-Day Cancellation Fee	= \$ 300.00
Forum Fees	= \$10,425.00
Total Fees	= \$20,325.00
Less payments	= \$ 9,600.00
Balance Due NASD Dispute Resolution	= \$10,725.00

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

ARBITRATION PANEL

Michael E. Rohde, Chairperson –
J. Ken Lanyon – Public Arbitrator
William Richard Smith – Non-Public Arbitrator

Concurring Arbitrators' Signatures



Michael E. Rohde
Public Arbitrator, Chairperson

6/1/06

Signature Date

J. Ken Lanyon
Public Arbitrator

Signature Date

William Richard Smith
Non-Public Arbitrator

Signature Date

6/2/06 

Date of Service (For NASD Dispute Resolution use only)

STIPULATED AWARD

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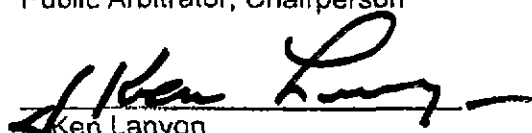
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Public Arbitrator, Chairperson

Signature Date



J. Ken Lanyon
Public Arbitrator



Signature Date

William Richard Smith
Non-Public Arbitrator

Signature Date



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Michael E. Rohde
Public Arbitrator, Chairperson

Signature Date

J. Ken Lanyon
Public Arbitrator

Signature Date

William Richard Smith
William Richard Smith
Non-Public Arbitrator

June 1, 2006
Signature Date

6/2/06 Hm

Date of Service (For NASD Dispute Resolution use only)

STIPULATED AWARD