

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Laurence G. Cochrane (Claimant) vs. New England Financial, Met Life, Inc., New England Securities Corporation and C. Robert Henrickson (Respondents)

Case Number: 04-05588

Hearing Site: Boston, Massachusetts

Nature of the Dispute: Associated Person vs. Member, Non-Members and Associated Person.

REPRESENTATION OF PARTIES

Claimant Laurence G. Cochrane hereinafter referred to as "Claimant": Ernest Badway, Esq., Saiber, Schlesinger, Satz & Goldstein, LLC, Newark, NJ.

Respondents New England Securities Corp. ("New England Securities") and C. Robert Henrickson ("Henrickson") hereinafter referred to as "Respondents": Jennifer Morris Cohen, Esq., Proskauer Rose, LLP, Newark, NJ.

Respondents New England Financial and Met Life, Inc. did not enter an appearance in this matter.

CASE INFORMATION

Statement of Claim filed on or about: August 6, 2004.

Claimant signed the Uniform Submission Agreement: August 4, 2004.

Statement of Answer filed by Respondents on or about: December 1, 2004.

Respondent New England Securities signed the Uniform Submission Agreement: December 1, 2004.

Respondent Henrickson signed the Uniform Submission Agreement: November 19, 2004.

Respondent New England Financial did not submit a Statement of Answer or Uniform Submission Agreement.

Respondent Met Life, Inc. did not submit a Statement of Answer or Uniform Submission Agreement.

CASE SUMMARY

Claimant asserted the following causes of action: libel, slander, filing a false NASD Form U-5, violating NASD rules, and prima facie tort.

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

RELIEF REQUESTED

Claimant requested compensatory damages in excess of \$10,000,000.00, compensation for the damage to his career as a result of Respondents' false Form U-5 in an amount to be determined, damages for Respondents' interference with Claimant's contract with other broker-dealers, an award directing Respondents to withdraw Claimant's Form U-5 and file an amended Form U-5, a direction that Respondents furnish Claimant with a letter to show to prospective employers, such other relief as the NASD arbitration panel may deem just and warranted in the circumstances including reasonable attorneys' fees, and punitive or exemplary damages.

Respondents denied the allegations in the Statement of Claim.

OTHER ISSUES CONSIDERED AND DECIDED

Respondents New England Financial and Met Life, Inc. are not members of NASD and are not subject to NASD's jurisdiction.

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 pleadings, the testimony and evidence presented at the hearing, and the post-hearing submissions, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimant's monetary claims for damages are denied.
2. The panel grants Claimant's request for expungement. The Panel's expungement order is based upon the defamatory nature of the information in CRD. The Panel recommends that Laurence Cochrane's Termination Comment with MetLife Investors Distribution Company and New England Securities be amended as follows:

New England Financial (NEF) improperly reclassified certain expenses as commissions which caused NEF and MetLife, the parent, to have inaccurate financial records and statements. He was aware that these re-classifications had occurred, and failed to take action to end this practice. He made certain of the entries in question. Cochrane was not aware that the reclassifications were improper.

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	= \$ 600.00
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Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firms that employed the associated persons at the time of the events giving rise to the dispute. Accordingly, New England Securities Corporation is a party.

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:

October 24-November 1, 2005 adjournment by Respondents	= \$1,200.00
March 6-10, 2006 adjournment by Respondents	= \$1,500.00
October 23-27, 2006 adjournment by Respondents	= \$1,500.00

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) Decision on discovery-related motion on the papers with (1) <u>one</u> arbitrator @ \$200.00	= \$ 200.00
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Respondents submitted (1) discovery-related motion

Three (3) Pre-hearing sessions with a single arbitrator @ \$450.00	= \$ 1,350.00
Pre-hearing conferences:	
June 20, 2005	1 session
January 10, 2006	1 session
February 15, 2006	1 session

Three (3) Pre-hearing sessions with Panel @ \$1,200.00	= \$ 3,600.00
Pre-hearing conferences:	
March 30, 2005	1 session
October 20, 2005	1 session
October 19, 2006	1 session

Six (6) Hearing sessions @ \$1,200.00 per session	= \$ 7,200.00
Hearing Dates:	
November 27, 2006	2 sessions
November 28, 2006	2 sessions
November 29, 2006	2 sessions

Total Forum Fees = \$12,350.00

1. The Panel has assessed \$12,350.00 of the forum fees to New England Securities Corporation.

Fee Summary

1. Claimant is solely liable for:

<u>Initial Filing Fee</u>	= \$ 600.00
<u>Total Fees</u>	= \$ 600.00
<u>Less payments</u>	= \$ 1,800.00
<u>Refund Due to Claimant</u>	= \$ 1,200.00

2. Respondent New England Securities is solely liable for:

<u>Member Fees</u>	= \$ 9,600.00
<u>Forum Fees</u>	= \$12,350.00
<u>Total Fees</u>	= \$21,950.00
<u>Less payments</u>	= \$ 9,600.00
<u>Balance Due NASD Dispute Resolution</u>	= \$12,350.00

3. Respondents are jointly and severally liable for:

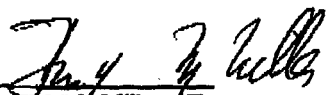
<u>Adjournment Fees</u>	= \$ 4,200.00
<u>Total Fees</u>	= \$ 4,200.00
<u>Less payments</u>	= \$ 1,200.00
<u>Balance Due NASD Dispute Resolution</u>	= \$ 3,000.00

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

ARBITRATION PANEL

Howard M. Miller, Esq.	-	Public Arbitrator, Presiding Chairperson
Richard J. Grahn, Esq.	-	Public Arbitrator
S. Lawrence Gwin, Jr., Esq.	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures


Howard M. Miller, Esq.
Public Arbitrator, Presiding Chairperson


Signature Date

Richard J. Grahn, Esq.
Public Arbitrator

Signature Date

S. Lawrence Gwin, Jr., Esq.
Non-Public Arbitrator

Signature Date

December 8, 2006
Date of Service (For NASD Dispute Resolution use only)

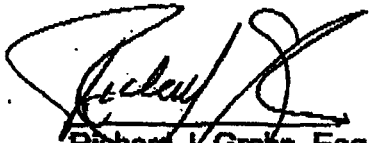
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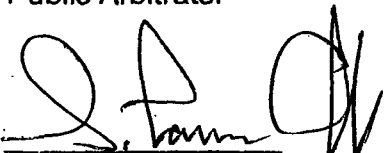
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