
Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant
Hanna Enterprises, LLC

Case Number: 04-07370

Name of the Respondent
Bear Stearns & Company, Inc.

Hearing Site: Boca Raton, Florida

Nature of the Dispute: Customer vs. Member.

REPRESENTATION OF PARTIES

For Hanna Enterprise, LLC, hereinafter referred to as "Claimant": Steven M. McCauley, Esq., Lexington, Kentucky.

For Bear Stearns & Company, Inc., hereinafter referred to as "Respondent": Ricardo A. Gonzalez, Esq., Greenberg Traurig, P.A., Miami, Florida.

CASE INFORMATION

Statement of Claim filed on or about: October 20, 2004.

Claimant signed the Uniform Submission Agreement: October 8, 2004.

Statement of Answer and Affirmative Defenses to Claimant's Statement of Claim filed by Respondent on or about: January 10, 2005.

Respondent did not file an executed Uniform Submission Agreement.

Respondent's Request For Leave to Amend Answer to Include Affirmative Defense of Statute of Limitations filed on or about: March 15, 2006.

Claimant's Response in Opposition to Respondent's Request for Leave to Amend Answer to Include Affirmative Defense of Statute of Limitations filed on or about: March 16, 2006.

Respondent's Reply in Support of Motion for Leave to Amend Answer to Include Affirmative Defense of Statute of Limitations filed on or about: March 17, 2006.

CASE SUMMARY

Claimant asserted the following causes of action: negligent misrepresentations and omissions; breach of fiduciary duty; breach of contract; and, principal and agency liability. The causes of action relate to Claimant's investment in the Hedge Fund, Long Bow Capital Partners, L.P.

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

RELIEF REQUESTED

Claimant requested compensatory damages of not less than \$4,465,165.00, pre-judgment interest at the highest legal rate provided by Florida law, costs, including filing fees and expert witness

fees, and other relief as may be just and appropriate.

Respondent requested that Claimant's claims be denied in their entirety, and dismissed with prejudice, with attorneys' fees and costs assessed against Claimant.

OTHER ISSUES CONSIDERED AND DECIDED

Respondent 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 having answered the claim, appeared and testified at the hearing, is bound by the determination of the Panel on all issues submitted.

At the outset of the evidentiary hearing, on or about March 20, 2006, the Panel granted Respondent's Request for Leave to Amend Answer to Include Affirmative Defense of Statute of Limitations. Additionally, Respondent asserted an ore tenus Motion to Dismiss based on Statute of Limitations, to which the Claimant objected. The Panel denied Respondent's Motion to Dismiss.

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

AWARD

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

Claimant's claims are denied in their entirety.

Any and all claims for relief not specifically addressed herein, including the parties' respective requests for attorneys' fees, are 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 firm(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. Accordingly, Respondent Bear Stearns & Company, Inc. is a party and member firm.

Member surcharge	= \$2,800.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$5,000.00
Total Member Fees	= \$8,550.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

November 9 –11, 2005, adjournment requested by Respondent = \$1,200.00

The Panel waived the total Adjournment Fees of \$1,200.00.

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:

No three-day cancellation fees were incurred in this matter.

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.

No injunctive relief fees were incurred in this matter.

Forum Fees and Assessments

The Panel has assessed forum fees for each session conducted. 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/session = \$ 450.00
Pre-hearing conference: July 15, 2005 1 session

Three (3) Pre-hearing sessions with the Panel @ \$1,200.00/session = \$ 3,600.00
Pre-hearing conferences: February 23, 2005 1 session
February 24, 2005 1 session
November 17, 2005 1 session

Six (6) Hearing sessions @ \$1,200.00/session = \$ 7,200.00
Hearing Dates: March 20, 2006 2 sessions
March 21, 2006 2 sessions
March 22, 2006 2 sessions

Total Forum Fees = \$11,250.00

The Panel has assessed \$6,225.00 of the forum fees to Claimant.
The Panel has assessed \$5,025.00 of the forum fees to Respondent.

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 are not limited to: additional copies of arbitrator awards; copies of audio transcripts; retrieval of documents from archives; interpreters; and, security.

No administrative costs were incurred in this matter.

Fee Summary

Claimant is solely liable for:

Initial Filing Fee	= \$ 600.00
Forum Fees	= \$ 6,225.00
Total Fees	= \$ 6,825.00
Less payments	= \$ 1,800.00
Balance Due NASD Dispute Resolution	= \$ 5,025.00

Respondent is solely liable for:

Member Fees	= \$ 8,550.00
Forum Fees	= \$ 5,025.00
Total Fees	= \$13,575.00
Less payments	= \$ 9,150.00
Balance Due NASD Dispute Resolution	= \$ 4,425.00

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

ARBITRATION PANEL

Allen Kilik, Esq.	-	Public Arbitrator, Presiding Chairperson
J. Porter McClean	-	Public Arbitrator
Martin Salzman	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

/s/ _____
Allen Kilik, Esq.
Public Arbitrator, Presiding Chairperson

March 23, 2006
Signature Date

/s/ _____
J. Porter McClean
Public Arbitrator

March 23, 2006
Signature Date

/s/
Martin Salzman
Non-Public Arbitrator

March 23, 2006
Signature Date

March 24, 2006
Date of Service (For NASD Dispute Resolution office use only)

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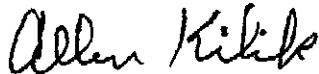
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Allen Kilik, Esq.
Public Arbitrator, Presiding Chairperson

3-23-06

Signature Date

J. Porter McClean
Public Arbitrator

Signature Date

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Public Arbitrator, Presiding Chairperson

Signature Date


J. Porter McClean
Public Arbitrator

3/23/06
Signature Date

CASE #
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Public Arbitrator, Presiding Chairperson

Signature Date

J. Porter McClean
Public Arbitrator

Signature Date



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