

**Stipulated Award
NASD Dispute Resolution**

In the Matter of the Arbitration Between:

Alan L. Finkel and Michelle Finkel (Claimants) vs. Andrew Mayer and WJ Nolan & Company (Respondents)

Case Number: 05-06623

Hearing Site: New York, New York

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

REPRESENTATION OF PARTIES

Claimants Alan L. Finkel ("A. Finkel") and Michelle Finkel ("M. Finkel") hereinafter collectively referred to as "Claimants" appeared *pro se*.

Respondent Andrew Mayer hereinafter referred to as "Mayer": Jason Pickholz, Esq., and Jeremy A. Shure, Esq., Akerman Senterfitt LLP, New York, NY.

Respondent WJ Nolan & Company hereinafter referred to as "WJ Nolan": William J. Nolan, WJ Nolan & Company, New York, NY.

CASE INFORMATION

Statement of Claim filed on or about: December 27, 2005.

Affidavit in Opposition to Respondent Mayer's Motion to Dismiss filed by Claimants on or about: March 30, 2006.

Claimant A. Finkel signed the Uniform Submission Agreement: December 20, 2005.

Claimant M. Finkel signed the Uniform Submission Agreement: December 20, 2005.

Motion to Dismiss and Statement of Answer filed by Respondent Mayer on or about: March 17, 2006.

Respondent Mayer signed the Uniform Submission Agreement: March 14, 2006.

Respondent WJ Nolan did not submit a Statement of Answer or Uniform Submission Agreement.

CASE SUMMARY

Claimants did not assert a cause of action. The claims relate to CMGI stock.

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

RELIEF REQUESTED

Claimants requested compensatory damages in the amount of \$26,000.00, punitive damages in the amount of \$15,000.00 and costs.

Respondent Mayer requested the dismissal of the Statement of Claim in its entirety, an order of expungement, legal fees, expenses and costs incurred in defending this action and that all forum fees and costs be assessed solely against Claimants.

OTHER ISSUES CONSIDERED AND DECIDED

By letters dated July 12, 2006 and July 28, 2006, Claimants withdrew their claims in this matter.

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

The parties entered into an agreement to present to the Panel a Stipulated Award. Now, in lieu of a hearing and upon motion of both parties for an entry of an award, the written stipulation thereto, the Panel grants the motion and enters this award granting the following relief:

1. All claims against Respondents Andrew Mayer and WJ Nolan & Company are withdrawn.
2. The Arbitrator recommends the expungement of all reference to the above captioned arbitration from Respondent Andrew Mayer's registration records maintained by the Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 04-16, Respondent Andrew Mayer must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

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.

Pursuant to NASD Rule 2130, the arbitration panel has made the following affirmative findings of fact:

The claim, allegation, or information is factually impossible or clearly erroneous;

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 = \$ 175.00

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, WJ Nolan & Company is a party.

Member surcharge = Waived

Pre-hearing process fee = Waived

Hearing process fee = Waived

Forum Fees and Assessments

The Arbitrator 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 arbitrator, including a pre-hearing conference with the arbitrator, 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

Pre-hearing conference: June 9, 2006 1 session

Total Forum Fees = \$ 450.00

1. The Arbitrator has assessed \$150.00 of the forum fees to Claimants.
2. The Arbitrator has assessed \$150.00 of the forum fees to Respondent WJ Nolan & Company.
3. The Arbitrator has assessed \$150.00 of the forum fees to Respondent Mayer.

Fee Summary

1. Claimants are solely liable for:

Initial Filing Fee = \$175.00

Forum Fees = \$150.00

Total Fees = \$325.00

Less payments = \$625.00

Refund Due to Claimants = \$300.00

2. Respondent WJ Nolan & Company is solely liable for:

Forum Fees = \$150.00

Total Fees = \$150.00

Less payments = \$ 0.00

Balance Due NASD Dispute Resolution = \$150.00

3. Respondent Mayer is solely liable for:

Forum Fees = \$150.00

Total Fees = \$150.00

Less payments = \$ 0.00

Balance Due NASD Dispute Resolution = \$150.00

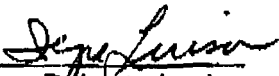
All balances are payable to NASD Dispute Resolution and are due upon receipt pursuant to Rule 10330(g) of the Code.

ARBITRATION PANEL

Ilyse Roberta Levison

Sole Public Arbitrator

I, the undersigned Arbitrator, do 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.



Ilyse Roberta Levison
Public Arbitrator, Presiding Chairperson

12/12/06

Signature Date

December 12, 2006

Date of Service (For NASD Dispute Resolution use only)