

NATIONAL ASSOCIATION OF SECURITIES DEALERS

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In the Matter of the Arbitration Between :

Bess Byrne :

OATH AND
AWARD OF
ARBITRATOR

89-01512

Claimant

vs.

Merrill Lynch, Pierce, Fenner & Smith, Inc.:
and Robert Craig :

Respondents :

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Having been selected as an arbitrator to consider and determine the matter in controversy between the above-captioned parties, I solemnly swear or affirm that:

- I am not an employer of, employed by or related by blood or marriage to any of the parties or witnesses whose names have been disclosed to me, and

- I have no interest directly or indirectly in this proceeding, and

- I know of no existing or past financial, business, professional, family or social relationship which would impair me from performing my duties, and

- I shall consider and decide the controversy faithfully and fairly and render a just award to the best of my understanding,

and the undersigned being the arbitrator selected to review and determine a matter in controversy between the above-mentioned Claimant(s) and Respondent(s), set forth in a submission to Arbitration signed by the Parties on April 28, 1989 and July 12, 1989 respectively;

And, that having reviewed and considered the proofs of the Parties, including any additional documentary submissions of the Claimant(s) and the Respondent(s) has decided and determined that in full and final settlement of the above-captioned matter,

C H E C K L I S T

Note: Fill out only those sections which apply to this particular case:

- 1) Find for the Claimant
 - (a) total amount of the award: \$ _____
 - (b) if two or more respondents are liable:
 - (1) joint and severally liable: yes _____ no _____
 - (2) if respondents separately liable
list party and the amounts: _____

- 2) Case Dismissed _____
- 3) Counterclaim of Respondent
 - (a) total amount of award: \$ _____
 - (b) party to receive award: _____
 - (c) counterclaim dismissed: _____
- 4) Punitive Damages
 - (a) total amount \$ _____
 - (b) name parties against whom damages are to be
assessed and in what amounts: _____

- (c) claim dismissed: _____
- 5) NASD Fee
 - (a) assessed against Claimant _____
 - (b) assessed against Respondent _____
- 6) Use this space to expand or clarify any part of the
decision above or to indicate other forms of specific
relief.

Affirmation

STATE OF CALIFORNIA

} SS:
}

COUNTY OF LOS ANGELES

I, Delores D. Smith, Esq., do hereby affirm upon my oath
as arbitrator that I am the individual described in and who
executed this instrument, which is my oath and award.

October 10, 1998

(DATE)

Delores D. Smith, Esq.

(SIGNATURE OF ARBITRATOR)