

## **STIPULATED AWARD**

**NATIONAL ASSOCIATION OF SECURITIES DEALERS REGULATION, INC.**

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In the Matter of the Arbitration Between

Name of Claimant

Robert F. Harris

96-03107

Name of Respondents

Merrill Lynch Pierce Fenner & Smith, Inc  
J. Guillermo Castro  
Michael G. Ryan

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### **REPRESENTATION**

For Claimant: Steve Larson-Jackson, Esq. of the law firm of Larson-Jackson, PC, Washington, DC.

For Respondents: Bennett Falk, Esq. of Morgan, Lewis & Bockius, LLP, Miami, Florida.

### **CASE INFORMATION**

Statement of Claim filed: July 19, 1996.

Claimant's Submission Agreement signed: October 28, 1996.

Joint Statement of Answer and Counterclaim filed by Respondents: October 16, 1996.

### **CASE SUMMARY**

Claimant asserted the following allegations against the Respondents: breach of contract, wrongful termination, defamation, violation of Florida's Human Rights Act, violation of Americans with Disabilities Act., and intentional infliction of emotional distress.

Respondents denied the allegations contained in the Statement of Claim and asserted a counterclaim against the Claimant for repayment of training costs and tuition reimbursement.

### **RELIEF REQUESTED**

Claimant requested compensatory damages of \$90,000.00 and punitive damages of \$2,000,000.00.

Respondents requested dismissal of the claim and relief on their counterclaim.

**OTHER ISSUES CONSIDERED & DECIDED**

On July 28, 1997 NASD Regulation, Inc. received a Stipulated Request for an Award executed by counsel for the Claimant and Respondents. On July 29, 1997 the stipulated request was submitted to the panel for a determination and the panel agreed to the entry of a stipulated Award.

**AWARD**

This matter came before the undersigned arbitrators upon stipulation of the parties to the entry of an Award. The arbitration panel, having reviewed and considered the attached Stipulated Request for an Award, has determined in full and final resolution as follows:

The arbitration panel hereby orders the NASD to expunge the April 22, 1994 CRD (Central Registry Depository) records of Mr. Robert F. Harris, which specifically states: "Discharged." Moreover, the records contained in the computer systems of the NASD that make reference to the reason for termination of the Claimant, from the employ of the Respondent shall be expunged as well.

In its place the NASD shall cause to be filed and entered in the CRD system the amended U-5 filed by Merrill Lynch with the NASD on January 14, 1997. (See attached Amended U-5.)

The NASD shall comply with the instant order forthwith and without delay.

**Concurring Arbitrators' signatures**

/s/

\_\_\_\_\_  
Seth L. Finkel, Esq.

Public/Chairman

/s/

\_\_\_\_\_  
Carl J. Hegner

Industry/Panelist

/s/

\_\_\_\_\_  
Nelson J. Brous

Public/Panelist

Date of Decision: August 18, 1997

**NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.**

**ROBERT F. HARRIS,**  
Claimant

v.

**MERRILL LYNCH PIERCE FENNER & SMITH, INC.,**

Respondent

NASD Arbitration  
Case No. 96-03107

**RECEIVED**  
JUL 28 1997

FL ARBITRATION

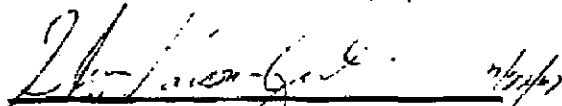
**STIPULATED REQUEST FOR AN AWARD**

1. The Claimant filed an action against the Respondent and the parties voluntarily agreed to resolve the matter prior to a hearing on the merits of the controversy.

2. Respondent attempted to amend the Claimant's U-5 in a manner that was mutually acceptable to all parties; however, the computer system at the NASD was not able to accommodate said request. Consequently, an action was filed against the NASD in the D.C. Superior Court. Said action has been effectively stayed pending the decision of the arbitrators for the instant stipulated request for an award.

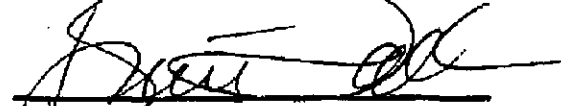
3. The parties hereto request a stipulated award to accomplish their true intent, within the limitations of the computer system of the NASD as set forth in the accompanying order.

Respectfully submitted,



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Washington, DC 20005  
Counsel to Claimant  
(202) 408-8180

Respectfully submitted,



Mr. Bennett Falk, Esquire  
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Counsel to Respondent  
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