

Stipulated Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between

Name of Claimant

Mary Jo Carman

Case No. 99-00018

Names of Respondents

Smith Barney, Inc.
Michael Smith

REPRESENTATION OF PARTIES

For Claimant: Vincent J. D'Antonio, Esq., Fort Lauderdale, FL.

For Respondents Smith Barney, Inc. ("Smith Barney") and Michael Smith ("Smith"): Bradford D. Kaufman, Esq. and Joseph C. Coates, III, Esq. of Greenberg Traurig, P.A., West Palm Beach, FL.

CASE INFORMATION

Statement of Claim filed on or about: January 4, 1999.

Claimant signed the Uniform Submission Agreement on: December 15, 1998.

Respondents Smith Barney and Smith did not file Statements of Answer (see "Other Issues").

Respondents Smith Barney and Smith did not file executed Uniform Submission Agreements (see "Other Issues").

CASE SUMMARY

Claimant alleged that she purchased several limited partnerships that were unsuitable for her.

Respondents denied all of the allegations made in the Statement of Claim.

RELIEF REQUESTED

Claimant requested compensatory damages in an undetermined amount, punitive damages, pre-judgment interest, reasonable attorneys' fees pursuant to Florida Statutes sections 517 and 772, the cost and fees of this proceeding, rescission and such other relief as the arbitrator deemed just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

Without admitting liability, Respondents Smith Barney and Smith agreed to resolve the claims raised in the Statement of Claim and all other claims that Claimant has or may have against Respondents Smith Barney and Smith. Claimant also agreed to execute a general release in favor of Respondent Smith Barney and requested dismissal of this action with prejudice with the parties to pay their own attorneys' fees and costs. As such, Claimant requested that the action be dismissed with prejudice and that any reference to this arbitration claim be expunged from the NASD Central Registration Depository ("CRD") records, and any other NASD reports or records, of Michael Smith.

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 foregoing, and the Stipulation for Voluntary Dismissal With Prejudice and Expungement, the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimant's Statement of Claim, and all claims therein, is dismissed with prejudice in its entirety.
2. The Arbitrator recommends the expungement of all references to the above captioned arbitration from Respondent Smith's registration records maintained by the NASD CRD, with the understanding that pursuant to the NASD Notice to Members 99-09, Respondent Smith must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.
3. Any and all relief not specifically addressed herein is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution, Inc. will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee = \$ 250.00

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. In this matter, the member firm, Smith Barney, is a party.

Member surcharge = \$1,200.00

Pre-hearing process fee = \$ 600.00

Fee Summary

Claimant be and hereby is solely liable for:

Initial Filing Fee = \$ 250.00

Total Fees = \$ 250.00

Less payments = \$ 250.00

Balance Due NASD Dispute Resolution, Inc. = \$ 0.00

Respondent Smith Barney be and hereby is solely liable for:

Member Fees = \$1,800.00

Total Fees = \$1,800.00

Less payments = \$1,000.00

Balance Due NASD Dispute Resolution, Inc. = \$ 800.00

All balances are due and payable to NASD Dispute Resolution, Inc.

Arbitrator's Signature

/s/

Alyson R. Dachelet, Esq.
Public Arbitrator

Signature Date

August 21, 2000

Date of Service (For NASD-DR office use only)

Pre-hearing process fee

= \$ 600.00

Fee Summary

Claimant be and hereby is solely liable for:

Initial Filing Fee

= \$ 250.00

Total Fees

= \$ 250.00

Less payments

= \$ 250.00

Balance Due NASD Dispute Resolution, Inc.

= \$ 0.00

Respondent Smith Barney be and hereby is solely liable for:

Member Fees

= \$1,800.00

Total Fees

= \$1,800.00

Less payments


= \$1,000.00

Balance Due NASD Dispute Resolution, Inc.

= \$ 800.00

All balances are due and payable to NASD Dispute Resolution, Inc.

Arbitrator's Signature


Alyson R. Dachelet, Esq.
Public Arbitrator


Signature Date

Date of Service (For NASD-DR office use only)