
FINAL NOTICE

To: **Sean Julian Pignatelli**

Date of birth: 27 May 1966

Date: 20 November 2006

TAKE NOTICE: The Financial Services Authority of 25, The North Colonnade, Canary Wharf, London E14 5HS ("the FSA") gives you final notice about a requirement to pay a financial penalty.

THE PENALTY

The FSA gave you, Mr Sean Julian Pignatelli ("Mr Pignatelli"), a Decision Notice on 13 November 2006 which notified Mr Pignatelli that, pursuant to section 66 of the Financial Services and Markets Act 2000 ("the Act"), the FSA had decided to impose a financial penalty of £20,000 on Mr Pignatelli for breaches of Principles 2 and 3 of the FSA's Statements of Principle for Approved Persons.

Mr Pignatelli has confirmed that he will not be referring the matter to the Financial Services and Markets Tribunal.

Accordingly, for the reasons set out below and having agreed with Mr Pignatelli the facts and matters relied on, the FSA imposes a financial penalty on Mr Pignatelli in the amount of £20,000.

REASONS FOR THE ACTION

Summary

1. At the material time, Mr Pignatelli was a US equity salesman employed by Credit Suisse First Boston (Europe) Limited ("CSFBE"),
2. At about 6.32pm on 24 May 2005, Mr Pignatelli received an analyst's e-mail in which there were warning signals that it might contain inside information about a US company named Boston Scientific Corporation ("BSX").
3. In breach of Principle 2 of the FSA's Statements of Principle for Approved Persons, on receipt of the analyst's e-mail Mr Pignatelli failed to address his mind to the warning signals that it might have contained inside information and, as a result, he failed to discuss the matter with his senior manager or compliance. In fact, the e-mail did not contain inside information but Mr Pignatelli did not turn his mind to whether or not it did.
4. On receiving the analyst's e-mail, Mr Pignatelli immediately relayed its contents to several people by telephone, including four clients. All four clients then sold, or short-sold, BSX shares that evening.
5. In breach of Principle 3 of the FSA's Statements of Principle for Approved Persons, Mr Pignatelli relayed the information to clients in a way that in the FSA's view gave the impression that it was inside information.
6. The FSA considers Mr Pignatelli's conduct to have been deliberate in telephoning clients, relaying the information contained in the e-mail to clients and using sales talk to embellish the information. However, the FSA has formed the view that, when talking to clients, Mr Pignatelli did not have a positive belief that he was in possession of inside information and the FSA does not allege that he deliberately conveyed the impression to clients that it was inside information.
7. As a result, and for the reasons detailed further below, the FSA considers that Mr Pignatelli has breached Principles 2 and 3 of the FSA's Statements of Principle for Approved Persons in carrying out his controlled functions on this occasion. Mr Pignatelli has agreed to settle this matter and, in all the circumstances, the FSA considers that it is appropriate to impose a financial penalty on him of £20,000.

Relevant law and guidance

8. Section 66 of the Act states:
 - "(1) *The Authority may take action against a person under this section if -*
 - (a) *it appears to the Authority that he is guilty of misconduct; and*
 - (b) *the Authority is satisfied that it is appropriate in all the circumstances to take action against him.*
 - (2) *A person is guilty of misconduct if, while an approved person -*

(a) *he has failed to comply with a statement of principle issued under section 64 ...*

...

(3) *If the Authority is entitled to take action under this section against a person, it may -*

(a) *impose a penalty on him of such amount as it considers appropriate;...*

...

(6) *'Approved person' has the same meaning as in section 64 ...".*

9. Statements of Principle issued under section 64 of the Act are set out in the FSA's Code of Practice of Approved Persons (APER), which is in the High Level Standards block of the FSA's Handbook.
10. The Statement of Principle 2 set out in APER 2.1.2P states:

"An approved person must act with due skill, care and diligence in carrying out his controlled function".
11. The Statement of Principle 3 set out in APER 2.1.2P states:

"An approved person must observe proper standards of market conduct in carrying out his controlled function".
12. Guidance relating to a breach of Principle 3 is set out in APER 4.3. APER 4.3.2G says that in many cases the required standard will be set out, *inter alia*, in the Code of Market Conduct (MAR 1). Compliance with MAR 1 will *"tend to show"* compliance with Principle 3 (APER 4.3.4E). The FSA does not allege that Mr Pignatelli has failed to comply with MAR 1. Although in many cases of a breach of Principle 3 there will also be non-compliance with MAR 1, it is not necessarily so and the FSA considers that, as in this case, Principle 3 may be breached although the individual has not failed to comply with MAR 1.
13. For the purposes of this document *"inside information"* has the same meaning as it is defined in section 56 of the Criminal Justice Act 1993.
14. When exercising its powers, the FSA seeks to act in a way it considers most appropriate for the purpose of meeting its regulatory objectives, which are set out in section 2(2) of the Act. The FSA considers that imposing a financial penalty of £20,000 on Mr Pignatelli meets the regulatory objective of market confidence, that is maintaining confidence in the financial system.
15. In deciding to take this action, the FSA has had regard to the guidance set out in sections 1.3, 11.4 and 11.5 of the FSA's Enforcement manual ("ENF"), which is part of the FSA's Handbook.
16. In particular, ENF 1.3.1(2)G states that the FSA will seek to exercise its enforcement powers in a manner that is transparent, proportionate and consistent with its publicly

stated policies. The criteria for determining whether to take disciplinary action are set out in ENF 11.4.1G and ENF 11.5G. ENF 11.4.1G states that the FSA will consider the full circumstances of each case and that the criteria listed are not exhaustive: not all of them may be relevant and there may be other factors that are relevant. ENF 11.5.3G states that the FSA will only take disciplinary action against an approved person where there is evidence of personal culpability on his part, which arises where his behaviour was deliberate or fell below that which would be reasonable in all the circumstances.

17. Having regard to the matters summarised in paragraphs 1-7 above, to the guidance set out in ENF and to the FSA's statutory objective of market confidence, the FSA considers it proportionate and appropriate in all the circumstances to take disciplinary action against Mr Pignatelli.

Facts and Matters Relied On

Introduction

18. Mr Pignatelli has been employed in the securities industry since 1984. He joined CSFBE in October 2000 and at the material time Mr Pignatelli was an FSA approved person (Controlled Function 21: Investment Adviser).
19. BSX is a US company that operates in the field of medical supplies and technology.
20. On 19 April 2005, BSX announced its first quarter results but deferred providing updated earnings guidance until its analyst meeting, which was scheduled to be held on 25 May 2005. This analyst meeting was to be held in Paris during "EuroPCR", an annual conference focussing on scientific and business developments in the cardiovascular medicine industry.

CSFBE's rules and procedures on the handling and dissemination of inside information.

21. At the material time, CSFBE's rules and procedures for the handling and dissemination of inside information were contained in a document entitled European Compliance Policy Manual dated November 2004. Mr Pignatelli acknowledged receipt of this Manual on 20 December 2004, after he had completed on-line training on market abuse between 2 November and 1 December 2004.
22. The compliance manual contained the following statements in a section entitled "Market Abuse, Market Manipulation and Insider Dealing":

"... There are three main insider dealing offences under the Criminal Justice Act 1993. Dealing in the affected securities based on inside information; encouraging another person to deal in the affected securities; and disclosing inside information.

Although certain employees' functions and day to day activity (e.g. investment bankers, research analysts and traders) make them more likely to come into possession of inside information ... all employees should have regard to the information that they are given and subsequently use. If in doubt as to whether you have been made an insider you must contact the Control Room.

Whether particular information is inside information is often difficult to determine. However, typically inside information will:

- *Be unpublished or not in the public domain.*
- *Be price sensitive (likely to have a material impact on the instrument's price).*
- *Relate to securities, bonds, gilts or other financial instruments.*
- *Be specific.*

... If you are made an insider, inadvertently or deliberately, you must be aware of the impact this will have upon your day-to-day activities. For example, if a research analyst is inadvertently given inside information by the CEO of a company in a private (one-to-one) conversation, that analyst would not be permitted to speak about or issue a report on the company until the information was made public. The same situation could apply with other functions; traders would not be permitted to trade the security and salespersons would not be permitted to speak to their clients about the security in the event that they were made privy to the inside information.

... The key points that you must consider whenever a potential insider dealing, market manipulation or market abuse situation arises are as follows:

- *BE SENSITIVE – stop, think, if in doubt check.*
- *If you have received information which might point to insider dealing, market manipulation or market abuse DO NOT tell anyone but your Desk Head/Senior Manager and Compliance ..."*

The analyst's e-mail on 24 May 2005

23. At about 6.32pm on 24 May 2005, Mr Pignatelli, who was employed in London by CSFBE as a US equity salesman, received an e-mail from an analyst at Credit Suisse First Boston LLC in New York, saying "*Good tidbit to pass around*".

24. The "*tidbit*" referred to was a forwarded e-mail that had been sent by the analyst to a third party at 6.28pm (UK time) the same day, which said:

"Hey bud, I think you care on this one, so quick heads up ahead of tomorrow's analyst meeting.

Just sat down with Tobin here in Paris. Sounds like they're going to bring down 2005 EPS guidance to \$1.98-2.02 (vs current consensus of \$2.06). They're going to talk about DES share back up at 58-59%, but spend (mostly R&D) goes up since they made those 4 acq'ns this year (AST, Cryo, Rubicon, TriVascular), 3 of which came with burn.

Don't want to get in troublekeep btwn us for now".

25. The FSA considers that there were warning signals in this e-mail that it might have contained inside information, in particular, the indication it was a "*quick heads up*"

ahead of an analyst's meeting, that the author of the e-mail had "Just sat down" with BSX's CEO and the final words "Don't want to get in troublekeep btwn us for now".

26. The analyst's e-mail of 6.32pm had four other addressees in addition to Sean Pignatelli, all of whom were also employed by Credit Suisse.

27. Mr Pignatelli has explained: *"If I am receiving something,particularly on a group e-mail, with instructions that it's a good tidbit to pass around, I just wouldn't assume it's inside information he's passing on. It's just, I would just assume it's a view".* In respect of the warning signal "Don't want to get in troublekeep btwn us for now", Mr Pignatelli said that he presumed that it was "a sales line or it's just something he [the analyst] hadn't had cleared yet" by compliance. Mr Pignatelli continued:

"I just wouldn't assume it's inside information. I cannot assume ...that the CEO of a major company in 2005 is going to get a junior analyst, or any other analyst for that matter, ...[and] give him some inside information ... it's just not going to happen. Let alone that he then ...sends a group email ...telling us to go out with it and it's inside information".

28. The FSA considers that the analyst's e-mail contained warning signals which should have caused Mr Pignatelli to have suspicions that it might contain inside information. If he had done so, according to CSFBE's compliance procedures he should have discussed those suspicions with his senior manager or compliance. Mr Pignatelli, however, failed to heed the warning signals. In fact, the e-mail did not contain inside information but Mr Pignatelli did not turn his mind to whether or not it did.

29. Accordingly, in the FSA's view, on receipt of the analyst's e-mail Mr Pignatelli failed to address his mind to the warning signals that it might have contained inside information and, as a result, he failed to discuss the matter with his senior manager or compliance. In so failing, Mr Pignatelli did not act with due skill, care and diligence in carrying out his controlled function, in breach of Principle 2 of the FSA's Statements of Principle for Approved Persons.

The telephone calls

30. On receipt of the analyst's e-mail on 24 May 2005, Mr Pignatelli immediately started telephoning clients to pass on the information contained in that e-mail. He made a total of eight telephone calls, the first being at 6.38pm and the eighth at 7.05pm. He was then rung back at 7.12pm by the last person he had telephoned (the ninth and final telephone call). The eighth and ninth telephone calls were not with a client but with another employee in the Credit Suisse group, with whom Mr Pignatelli shared trading ideas for a client's alpha mock trading portfolio system.¹

31. In four of his calls, Mr Pignatelli relayed the "tidbit", with embellishments, to hedge fund managers, all four of whom then sold, or short-sold, BSX shares following their

¹ This system is an electronic, mock trading platform through which brokers undertake notional trades and are rewarded with business based on the success of their dealing.

conversations with Mr Pignatelli.

32. In these calls, Mr Pignatelli relayed the information in a way that in the FSA's view gave the impression that it was inside information. While the FSA allows some latitude for what Mr Pignatelli has called "*sales patter*", it is inappropriate when engaging in sales talk to give the impression that the information being relayed is inside information. By relaying the information in such a way, Mr Pignatelli failed to do so responsibly and did not observe proper standards of market conduct in carrying out his controlled function, in breach of Principle 3 of the FSA's Statements of Principle for Approved Persons.
33. Full transcriptions of his conversations with the four clients referred to are set out in the attached Appendix.
34. When asked why he had passed on the information to clients as if it was inside information, Mr Pignatelli said:

"Well it's not what I meant to do, I mean I wasn't thinking that hard about it. I just go into sort of sales mode, you know, try and make the call look as proprietary as possible. It's just what I do ...

...you know, there is absolutely no question of me ever thinking it's inside information ...

...a "Good tidbit to pass around". It's on a group e-mail. I am just not assuming it's inside information, and again, I go out with so many different types of calls, you know, I am not sitting down analysing everything I say at the time, it's a, you know if it sounds like it, it's certainly not the impression I am giving, I ... meant to give, that it is inside information ...".

35. He explained that the reason he had not forwarded the analyst's e-mail was that he thought it contained an opinion which had not been properly cleared (by compliance).
36. By 7.13pm, and it seems before the eighth telephone call, Mr Pignatelli placed a notional order in the mock trading portfolio system (referred to in paragraph 30 above) to sell \$10m worth of BSX shares.
37. The eighth and ninth telephone calls, at 7.05pm and 7.12pm respectively, were not with clients but with another employee in the Credit Suisse group.

Subsequent events

38. On 25 May 2005, CSFBE suspended Mr Pignatelli and commenced an internal investigation into his handling of the analyst's e-mail. CSFBE dismissed Mr Pignatelli on 27 June 2005 for serious misconduct, having concluded that he had acted in breach of the company's compliance procedures. On 18 July 2005, CSFBE dismissed the appeal and the grievance Mr Pignatelli had raised in relation to his dismissal. Mr Pignatelli brought Employment Tribunal proceedings against CSFBE in respect of the dismissal.

Penalty

39. The FSA is of the view that, having regard to the guidance set out in ENF 12.3.3G, Mr Pignatelli's misconduct is sufficiently serious to warrant a financial penalty.
40. The FSA's policy on the imposition of financial penalties is set out in Chapter 13 of ENF. The principal purpose of the imposition of a financial penalty is to promote high standards of regulatory conduct by deterring approved persons who have breached regulatory requirements from committing further contraventions, helping to deter other approved persons from committing contraventions and demonstrating generally to approved persons the benefits of compliant behaviour.
41. ENF 13.3.3G sets out factors relevant to determining the appropriate level of financial penalty and ENF 13.3.4G states that the criteria listed in ENF 13.3.3G are not exhaustive and all relevant circumstances of the case will be taken into consideration.
42. Accordingly, in determining whether a financial penalty is appropriate and its level, the FSA is required to consider all the relevant circumstances of the case. The FSA considers the following factors to be particularly relevant in this case.
43. It is an important part of maintaining confidence in the financial system that all approved persons, in carrying out their controlled functions, are alert to warning signals that they may be the recipient of inside information and, if they suspect that they have received inside information, that they follow appropriate compliance procedures. Individuals should be particularly alert to such warning signals given that misuse of inside information may be subject to strong regulatory sanction and possible criminal proceedings.
44. It is equally important for maintaining confidence in the financial system that an investment adviser does not use a sales pitch that suggests that the information being relayed is inside information.
45. Mr Pignatelli's misconduct was made more serious by the following matters in particular:
- (1) he compounded his failure to heed the warning signals in the analyst's e-mail by immediately telephoning clients and relaying the contents of the e-mail to them in a way that made it sound more like inside information;
 - (2) he telephoned a total of eight people (including clients) on 24 May 2005 about the analyst's e-mail;
 - (3) his telephone conversations with four clients after receipt of the analyst's e-mail on 24 May 2005 caused or were the trigger for those clients to trade in BSX shares that evening.
46. As explained in paragraph 6 above, the FSA considers Mr Pignatelli's conduct to have been deliberate in telephoning clients, relaying the information contained in the e-mail to clients and using sales talk to embellish the information. However, the FSA has formed the view that, when talking to clients, Mr Pignatelli did not have a positive belief that he was in possession of inside information and the FSA does not allege that he deliberately conveyed the impression to clients that it was inside information.

47. In mitigation of Mr Pignatelli's failings in the above respects, the FSA notes the following:
- (1) his misconduct occurred on one day (24 May 2005) and there is no suggestion that Mr Pignatelli had similarly misconducted himself on any other occasion;
 - (2) the information was not, as a matter of fact, inside information because it was already in the public domain, although this was not known to Mr Pignatelli before the ninth telephone call;
 - (3) Mr Pignatelli has cooperated with the FSA's investigation;
 - (4) he has expressed considerable remorse and understands that his conduct on 24 May 2005 fell short of appropriate standards. He has assured the FSA that, in the future, he will be alert to and react properly to any warning signals of inside information and he will take as much care with his oral communications as he has to date with his written. These matters are particularly relevant where the breaches in question relate to appropriate standards of behaviour, such as Principles 2 and 3;
 - (5) Mr Pignatelli did not stand to make any direct profit from his behaviour; and
 - (6) no disciplinary action has previously been taken against Mr Pignatelli by the FSA or a predecessor regulator.
48. In all the circumstances, and taking into account action taken by the FSA in other cases and Mr Pignatelli's agreement to settle this matter, the FSA considers it appropriate and proportionate to impose a financial penalty on Mr Pignatelli of £20,000.

DECISION MAKERS

The decision which gave rise to the obligation to give this Final Notice was made by the Executive Settlement Decision Makers on behalf of the FSA.

IMPORTANT

This Final Notice is given to Mr Pignatelli in accordance with section 390 of the Act.

Manner of and time for Payment

The financial penalty must be paid in full by Mr Pignatelli to the FSA by no later than 7 December 2006.

If the financial penalty is not paid

If all or any of the financial penalty is outstanding on 8 December 2006, the FSA may recover the outstanding amount as a debt owed by Mr Pignatelli and due to the FSA.

Publicity

Sections 391(4), 391(6) and 391(7) of the Act apply to the publication of information about the matter to which this notice relates. Under those provisions, the FSA must publish such information about the matter to which this notice relates as the FSA considers appropriate. The information may be published in such manner as the FSA considers appropriate. However, the FSA may not publish information if such publication would, in the opinion of the FSA, be unfair to you or prejudicial to the interests of consumers.

The FSA intends to publish such information about the matter to which this Final Notice relates as it considers appropriate.

FSA contacts

For more information concerning this matter generally, you should contact Ken O'Donnell (direct line: 020 7066 1374/fax: 020 7066 1375) or Pam Cross (direct line: 020 7066 1216/fax: 020 7066 9748).

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Carlos Conceicao
Head of Wholesale
FSA Enforcement Division

APPENDIX

Transcripts of Mr Pignatelli's conversations with four clients, 24 May 2006

At 6.40pm:

"Mr Pignatelli: Yeah, hi.

Client: Hi there.

Mr Pignatelli: I know you don't like short, but umm, I have got a good heads up from an analyst on Boston Scientific BSX.

Client: Yes.

Mr Pignatelli: They have got an analyst meeting tomorrow. This guy is in France at the moment, apparently, and he has just met him in Paris and he told him that erm, this is the CEO, who told him clearly that they are going to lower guidance, not by a huge amount, but probably about 7 cents in the meeting because of R&D.

Client: When is the meeting, tomorrow?

Mr Pignatelli: Tomorrow. I think it goes down a little bit, not a lot, but a little bit.

Client: Ok, but I don't hold the shares; it's not a problem.

Mr Pignatelli: What? Don't know.

[Both laugh]

Client: What is the price?

Mr Pignatelli: Umm, it is 30 and three quarters.

Client: And there is big volume or small volume?

Mr Pignatelli: Oh yes, 3 million.

Client: Ok, sell 25 thousand ...

Mr Pignatelli: Ok, cheers.

Client: At your discretion.

Mr Pignatelli: Ok, cheers.

Client: Thanks, bye".

At 6.42pm:

"Mr Pignatelli: Hi man, it's Sean ... Hi, quick one; I just got an e-mail from an analyst who has just come through town and he is in Paris at the moment and he has just sat down with the CEO of Boston Sci, who has clearly just told him they are about to lower guidance at [laughs] tomorrow's meeting.

Client: Oh really?

Mr Pignatelli: So he told us not to go out with this.

Client: Ah.

Mr Pignatelli: [Laughs] That's an invitation, umm, well, you know, he said just keep it a little quiet, but err ... umm ...

Client: Good Lord!

Mr Pignatelli: Yeah.

Client: So people seem to be buying sort of into this meeting, huh.

Mr Pignatelli: Yes, well, he has just sat down with Tobin here in Paris. This is from his Blackberry, just got it. Sounds like they are going to bring down 05 guidance to 198-202 range. It is currently 206, so it's not a huge amount but you know it's seven cents. They are going to talk about DES urr umm umm share back up at 58-59 percent, whatever that means, but spend, which is mostly R&D, is going to go up since they make, made four acquisitions this year, three of which with urr urr cash burn so ...

Client: Okay.

Mr Pignatelli: I got to assume given that stock's sort of moved a little bit into, had a nice, nice-ish day, I can't see that being good news. [Laughs]

Client: No

Mr Pignatelli: I'll leave you with that. Cheers man.

Client: Thanks.

Mr Pignatelli: Bye".

At 6.46pm:

"Client: Hi

Mr Pignatelli: Yeah ..., hi Sean here umm ... BSX ... urr we just had a strange email from ... the analyst who has just come through town, which

is why he's sending us an email, on Boston Scientific.

Client: Mmm.

Mr Pignatelli: Urr he said he's just sat down with Tobin, who's the CEO, in Paris where he is now.

Client: Hmm hmm.

Mr Pignatelli: And ... he said, sounds like they are going to bring down '05 guidance at the meeting tomorrow.

Client: Mm.

Mr Pignatelli: To well, mid range 199, currently 206, umm they will talk about, you know, positive share and so on but spending is mostly R&D is gonna go up because of the acquisitions because they're burning cash, so they said ... don't want to get into trouble, keep between us for now (laughs).

Client: Did he send that on email?

Mr Pignatelli: He sent it to me and ...

Client: Nice guy.

Mr Pignatelli: And a couple of guys in the office because he has just been here talking about it ...

Client: They're going to talk positively about share but what about cash and acquisitions?

Mr Pignatelli: Well negative, I mean clearly burning more cash than they thought.

Client: And acquisitions?

Mr Pignatelli: Yeah.

Client: Nothing about ...

Mr Pignatelli: I can't imagine so, I mean, you know, I can't imagine its good news. You're lowering guidance because of cash burn because of acquisitions, you know, you can talk anything you want about, you know, hoping that ...

Client: They're not lowering guidance because of the cash burn though right?

Mr Pignatelli: No, I think that's where the guidance is coming from, yeah.

Client: I mean there's less cash and therefore there's less interest

income, is that why or ... ?

Mr Pignatelli: No, there, there, there, there urr ... I think it's a combination of, ... no, no, it's a combo, it says, I'll read it out "Quick heads up ahead of tomorrow's analyst meeting – just sat down with Tobin, who's the CEO, in Paris, sounds like they're going to bring down 05 guidance to 198-202 versus current 206. They're going to talk about DES share back up at 58-59% but spend (mostly R&D) goes up since they've made four acquisitions this year ... three of which are burning ..."

Client: Hmm.

Mr Pignatelli: So they're spending more on those than anticipated.

Client: Okay.

Mr Pignatelli: So leave that with you.

Client: That's interesting.

Mr Pignatelli: Good.

Client: Well thanks a lot dude.

Mr Pignatelli: No prob, cheers, good bye".

At 6.52pm:

"Mr Pignatelli: Hello?

Client: Sean?

Mr Pignatelli: Oh hi there, sorry, very well, [cough] excuse me ... ah ... Boston Scientific.

Client: Yep.

Mr Pignatelli: Umm, we had the analyst coming through here a couple of days ago sort of, ah, he's on friendly terms with us, he's in Paris at the moment, he's just sat down with erm ... Tobin, you know, the CEO of Boston Sci ...

Client: Uh huh.

Mr Pignatelli: Literally just sent me a message from his Blackberry. Keep it to yourself, don't want to get into trouble (laughs), erm ... just a heads up ahead of tomorrow's analyst meeting, just sat down with Tobin here in Paris, sounds like they're going to bring down 05 guidance to 198-202 range versus current consensus of 206. They're going to talk about DES share back up at 58% but spend, brackets, mostly R&D goes up since they made four acquisitions

this year, three of which came with burn.

Client: Ah huh.

Mr Pignatelli: So they will be lowering guidance because of the acquisitions...

Client: Um

Mr Pignatelli: So I don't know how much that will impact it but, I can't imagine it will be good news.

Client: Interesting, I'm actually just looking at [.....] a deal spread [.....], umm, as we speak.

Mr Pignatelli: Uh huh. Would you buy [... those shares]?

Client: Well ... I think there is a relatively decent spread on that deal.

Mr Pignatelli: Yep. Would you do that against, sorry, I've just got to... some, I do the [... alpha mock trading portfolio system] thing, you know, [.....] and ... ah ... do you think, do you think that's worth trading? I don't really know the space well.

Client: What umm ... ?

Mr Pignatelli: You know, Boston Sci/[... hedge] trade for the ...

Client: Well, I don't know, I mean it's such, it's such an easy place to lose, to just get it wrong, although I have to say that stocks have been very un-volatile since, you know, the kind of Q1, Q2 last year when I kept on getting them wrong and, more like, you know, between, sort of, March and September.

Mr Pignatelli: Yes.

Client: Its up and down up and down, I just kept on getting them wrong and I eventually gave up, it was like ...

Mr Pignatelli: Yes.

Client: Stop I can't do this but umm, on the, you know, a lot more data has come out since then, people think there's less uncertainty ...

Mr Pignatelli: Yes.

Client: I haven't really followed it that closely for a month or ... quarter or so.

Mr Pignatelli: Yes.

Client: So I couldn't tell you if it was going to be a mover, but umm ...

*Mr Pignatelli: I think I will go just straight short this for the day trade, f**k it.*

Client: Umm yes I was actually looking for something to hedge my sort of, umm ... stub portion of, umm of that trade, [.....] might make sense to umm, find something to hedge it with. I'm just casting around for something that should be it.

Mr Pignatelli: Yes, well I hope I don't screw you up on it but, umm, it sounds like quite a, well it sounds genuine. I mean he's, you know, well we'll see.

Client: We will, ok cool, cheers then.

Mr Pignatelli: Bye".