

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant
William H. Moravek

Case Number: 00-03152

Name of the Respondent
Merrill Lynch Pierce Fenner & Smith Inc

Hearing Site: Washington, D.C.

REPRESENTATION OF PARTIES

Claimant, William H. Moravek ("Moravek"), hereinafter referred to as "Claimant": Timothy B. Hyland, Esq., Leffler & Hyland, Fairfax, Virginia.

Respondent, Merrill Lynch Pierce Fenner & Smith ("Merrill Lynch"), hereinafter referred to as "Respondent": Robert E. Goldberg, Esq., Office of General Counsel, Merrill Lynch Pierce Fenner & Smith withdrew as counsel on or about January 4, 2002; thereafter, Joseph P. Dever, Jr., Esq., Morgan, Lewis & Bockius, LLP, Philadelphia, Pennsylvania.

CASE INFORMATION

Statement of Claim filed on or about July 25, 2000.

Claimant signed the Uniform Submission Agreement on July 23, 2000.

Statement of Answer filed by Respondent on October 11, 2000.

A Representative of Respondent signed the Uniform Submission Agreement on October 11, 2000.

CASE SUMMARY

Claimant asserted the following cause of action: unauthorized trading. The cause of action relates to the purchase and sale of MIGA, MVEE, SVRI, TXCI and YARC common stock.

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim and asserted the following defenses, among others: the Statement of Claim fails to allege claims upon which relief can be granted; estoppel; Claimant authorized, ratified,

approved, accepted, acquiesced in and confirmed all acts; Claimant failed to exercise due diligence; Claimant negligently supervised his account; failure to mitigate damages; Claimant has suffered no damage; and, if any damage was suffered, it was the result of market conditions.

RELIEF REQUESTED

Claimant requested:

Compensatory Damages	\$ 60,000.00
Punitive Damages	\$ 40,000.00
Interest	legal rate from 02/09/00
Attorneys' Fees	unspecified
Other Costs	unspecified

Respondent requested that the statement of claim be dismissed in its entirety, that costs and expenses be assessed against Claimant, and that Respondent be awarded such other and further relief deemed just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

At the hearing, Respondent moved to dismiss the case based on Claimant's failure to state an actionable claim. The motion was denied.

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 testimony and evidence presented at the hearing, the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. That Claimant's claim for compensatory damages in the amount of \$60,000.00 and interest at the legal rate is denied in its entirety;
2. That Claimant's claim for punitive damages in the amount of \$40,000.00 is denied in its entirety;
3. That Claimant's claim for attorney's fees is denied in its entirety;

4. That the parties shall bear their respective costs, except as to Fees specifically addressed below; and,
5. That any and all claims not specifically addressed herein are denied in their entirety.

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 = \$ 225

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm that employed the associated person at the time of the events giving rise to the dispute. Accordingly, Respondent Merrill Lynch is a party.

Member surcharge = \$1,000
Pre-hearing process fee = \$ 600
Hearing process fee = \$1,500

Forum Fees and Assessments

The Arbitrator has assessed forum fees for each session conducted. 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 = \$ 450
Pre-hearing conference: June 27, 2001 1 session

Two (2) Hearing sessions with a single arbitrator @ \$ 450 = \$ 900
Hearing Date: June 4, 2002 2 sessions

Total Forum Fees = \$1,350

1. The Arbitrator has assessed \$675 of the forum fees to Claimant.
2. The Arbitrator has assessed \$675 of the forum fees to Respondent.

Fee Summary

1. Claimant is assessed and shall pay:
Initial Filing Fee = \$ 225

Forum Fees	= \$ 675
<hr/> Total Fees	<hr/> = \$ 900
<u>Less payments</u>	<u>= \$ 975</u>
Refund owed to Claimant	= \$ 75

2. Respondent is assessed and shall pay:

Member Fees	= \$3,100
Forum Fees	= \$ 675
<hr/> Total Fees	<hr/> = \$3,775
<u>Less payments</u>	<u>= \$4,600</u>
Refund owed to Respondent	= \$ 825

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

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ARBITRATION PANEL

Steven R. Bralove

- Non-Public Arbitrator, Sole Panelist

Arbitrator's Signature



Steven R. Bralove
Non-Public Arbitrator, Sole Panelist


Signature Date


Date of Service (For NASD Dispute Resolution office use only)