

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 02-04770

Dias George, Claimant vs. Merrill Lynch Pierce Fenner and Smith, Inc., and Henry D'Onofrio, Respondents.

ATTORNEYS:

Claimant, Dias George ("Claimant") appeared pro se., White Plains, NY.

Respondents, Merrill Lynch Pierce Fenner and Smith, Inc., and Henry D'Onofrio, (collectively "Respondents") appeared through their in-house counsel, Richard Kelly, Esq., New York, NY.

DATE FILED: August 13, 2002

CASE SUMMARY: Claimant alleged that Respondents failed to execute his order to buy 400 shares of EMC Corporation to cover his short position. Claimant maintains that due to Respondents' actions, he suffered financial losses.

Claim Data

Claim: \$25,000.00
Interest: Unspecified

Filing Fees: \$875.00
Other: Unspecified

Award Data

Award: \$24,250.00
Interest: At the rate of 6% per annum from 08-03-2001 to date of payment of award.
Filing Fees: \$212.50
Other: \$.00

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) Respondents are jointly and severally liable and shall pay to the Claimant \$24,250.00. 2) Respondents are jointly and severally liable and shall pay to the Claimant interest at the rate of 6% per annum from August 3, 2001 to date of payment of award. 3) All other relief requests are denied. 4) The \$425.00 filing fee previously deposited with NASD Dispute Resolution by the Claimant, shall be retained by NASD Dispute Resolution. 5) Respondents are jointly and severally liable and shall pay Claimant \$212.50 as reimbursement of one half of the filing fee.

OTHER FEES: Pursuant to Rule 10333 of the Code, Respondent, Merrill Lynch, Pierce, Fenner and Smith, Inc. has paid to NASD Dispute Resolution the \$425.00 Member Surcharge previously invoiced.

OTHER ISSUE: Respondents' Motion to Dismiss was denied by the Arbitrator.

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Award 02-04770

Richard A. Dice

Sole Public Arbitrator

AFFIRMATION

I, Richard A. Dice, Esq., do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein, and who executed this instrument which is my award.



Richard A. Dice, Esq.

5-12-03

Signature Date

May 19, 2003

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