

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Einar Greve, Claimant v. Merrill Lynch Pierce Fenner & Smith Inc., Respondent

Case Number: 02-05458

Hearing Site: Phoenix, Arizona

REPRESENTATION OF PARTIES

For Claimant:

John A. Baade, Esq.
Law Office of John A. Baade
Tucson, Arizona

For Respondent:

Tom Galbraith, Esq.
Meyer, Hendricks & Bivens
Phoenix, Arizona

CASE INFORMATION

Statement of Claim filed: September 9, 2002

Claimant's Uniform Submission Agreement signed: August 30, 2002

Statement of Answer filed by Respondent: October 21, 2002

CASE SUMMARY

Claimant alleged failure to execute trades relating to mutual fund shares managed by Respondent.

Respondent denied the allegations of wrongdoing set forth in the Claimant's Statement of Claim.

RELIEF REQUESTED

Claimant requested \$22,965.22 in compensatory damages.

Respondent requested dismissal of the Claimant's Statement of Claim in its entirety and an order requiring Claimant to bear all costs associated with the arbitration.

OTHER ISSUES CONSIDERED AND DECIDED

Pursuant to Claimant's written request of February 19, 2003, NASD moved venue from Los Angeles, California to Phoenix, Arizona. See SR-NASD-2003-106

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

- 1) Claimant's claim is denied in their entirety.
- 2) The parties shall bear their respective costs, including attorney's fees.
- 3) All other relief requested and not expressly granted is denied.

FEES

Pursuant to the Code of Arbitration Procedure ("the Code"), the following fees are assessed:

Filing Fees

NASD Dispute Resolution received or will collect the non-refundable filing fees for each claim as follows:

Initial claim filing fee	= \$ 125.00
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Member Fees

Member fees are assessed to each member firm that is either a party in the matter or an employer of a respondent associated person at the time of the events that gave rise to the dispute, claim, or controversy. Accordingly, the member firm Merrill Lynch Pierce Fenner & Smith Inc. is a party and the following fees are assessed:

Member Surcharge = \$ 425.00

Forum Fees and Assessments

The Panel has assessed forum fees for each session conducted. A session is any meeting between the parties and the Panel or Chairperson, including a pre-hearing conference, that lasts four (4) hours or less. The following fees are assessed:

(2) Pre-hearing conference session with a single arbitrator @ \$ 450.00/session = \$ 900.00

Pre-hearing conferences: May 19, 2003 1 session

August 29, 2003 1 session

(2) Hearing sessions @ \$450.00/session = \$ 900.00

Hearings: September 4, 2003 2 sessions

Total Forum Fees = \$1,800.00

1. The Arbitrator assessed \$ 900.00 of the forum fees to Claimant.
2. The Arbitrator assessed \$ 900.00 of the forum fees to Respondent.

Fee Summary

1. Claimant is charged with the following fees and costs:

Initial Filing Fee = \$ 125.00

Forum Fees = \$ 900.00

Total Fees = \$1,025.00

Less payments = \$ (450.00)

Balance Due NASD Dispute Resolution = \$ 575.00

2. Respondent is charged with the following fees and costs:

Member Fees	= \$ 425.00
<u>Forum Fees</u>	<u>= \$ 900.00</u>
Total Fees	= \$1,325.00
<u>Less payments</u>	<u>= \$ (425.00)</u>
Balance Due NASD Dispute Resolution	= \$ 900.00

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

ARBITRATION PANEL

S. Jeffrey Minker

- Public Arbitrator

Arbitrator Signature

S. Jeffrey Minker
Public Arbitrator

Signature Date

Date of Service

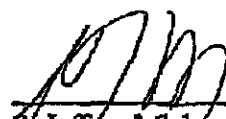
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ARBITRATION PANEL

S. Jeffrey Minker

- Public Arbitrator

Arbitrator Signature


S. Jeffrey Minker
Public Arbitrator


Signature Date

Date of Service