

**NASD DISPUTE RESOLUTION AWARD**  
**NASD DISPUTE RESOLUTION**

CASE: 02-05918

David Baturin & Goldie Baturin, claimants vs. Merrill Lynch, Pierce, Fenner & Smith Inc., respondent.

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**ATTORNEYS:**

Claimants appeared pro se through David Baturin, Franklin Square, NY.

Respondent appeared through its in-house counsel, Demitri Nemirovsky, Esq., New York, NY.

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DATE FILED: October 3, 2002

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CASE SUMMARY: Claimants alleged that respondent misrepresented information regarding the purchase of shares of Infospace. Claimants maintained that due to respondent's actions, the account suffered losses.

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**Claim Data**

Claim: \$22,291.00

Filing Fees: \$.00

Other: unspecified

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**Award Data**

Award: \$.00

Filing Fees: \$212.50

Other: \$.00

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AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) The claims of claimants are dismissed in their entirety. 2) All other relief requests are denied. 3) The \$425.00 filing fee previously deposited with NASD Dispute Resolution by the claimants, shall be retained by NASD Dispute Resolution. 4) Respondent is liable and shall pay claimants \$212.50 as reimbursement of one-half of the filing fee.

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OTHER FEES: Pursuant to Rule 10333 of the Code, Respondent has paid to NASD Dispute Resolution the \$425.00 Member Surcharge previously invoiced.

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Award 02-05918

Kenneth B. Cutler, Esq.

Sole Public Arbitrator

**AFFIRMATION**

I, Kenneth B. Cutler, 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.

Kenneth B. Cutler  
Kenneth B. Cutler, Esq.

February 11, 2003  
Signature Date

March 3, 2003  
Date of Service (For NASD-DR office use only)