

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 02-05996

Anthony J. and Mary Lou Tosques, IRA, claimants vs. Merrill Lynch, Pierce, Fenner & Smith Inc. and E. Stanley Peck, Jr., respondents.

ATTORNEYS:

Claimants appeared pro se, Green Pond, NJ.

For Respondents appeared in-house counsel, Richard Kelly, Esq., New York, NY.

DATE FILED: October 8, 2002

CASE SUMMARY: Claimants alleged that respondents failed to execute an order to sell all of the mutual funds in their IRA accounts and reinvest the monies into other form of income producing investments. Claimants maintained that because of respondents' actions, their accounts suffered losses.

Claim Data

Claim: \$6,639.00
Interest: Unspecified
Filing Fees: \$325.00

Award Data

Award: \$.00
Interest: \$.00
Filing Fees: \$325.00

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 claimant are dismissed in their entirety. 2) All requests for interest are denied. 3) All other relief requests are denied. 4) The \$325.00 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 \$325.00 as reimbursement of the filing fee.

OTHER FEES: Pursuant to Rule 10333 of the Code, respondent, Merrill Lynch, Pierce, Fenner & Smith Inc., has not paid to NASD Dispute Resolution the \$325.00 Member Surcharge previously invoiced.

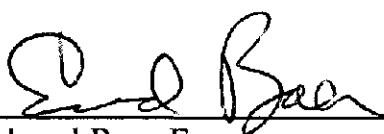
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Award 02-05996

Edward Baer, Esq.

Sole Public Arbitrator

AFFIRMATION

I, Edward Baer, 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.


Edward Baer, Esq.

4/28/03
Signature Date

May 2, 2003
Date of Service (For NASD-DR office use only)