

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 02-06642

Pauline Rainone, Claimant v. Merrill Lynch Pierce Fenner & Smith, Inc. and Joshua R. Post, Respondents.

ATTORNEYS:

Claimant, Pauline Rainone, ("Claimant"), appeared pro se, Melbourne, FL.

For Respondents, Merrill Lynch Pierce Fenner & Smith, Inc. and Joshua R. Post, (collectively "Respondents"), appeared Daren A. Luma, Esq., New York, NY.

NATURE OF DISPUTE: Customer v. Member and Associated Person

DATE FILED: November 4, 2002

CASE SUMMARY: Claimant alleged that Respondents breached their contract and were negligent in the handling of her mutual fund account. Claimant additionally alleged that Respondents recommended unsuitable stocks, misrepresented the amount of monies lost in her account, and omitted facts regarding her losses. Claimant further alleges that Respondent Merrill Lynch Pierce Fenner & Smith, Inc. failed to supervise their representative Respondent Joshua R. Post. Claimant maintained that due to Respondents' action, her account suffered financial losses.

Claim Data

Claim: \$8,000.00
Punitive: \$1,000.00
Interest: Unspecified
Other: Unspecified

Award Data

Award: \$2,500.00
Punitive: \$.00
Interest: \$.00
Other: \$.00

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) Respondent Merrill Lynch Pierce Fenner & Smith, Inc. is liable for and shall pay to the Claimant \$2,000.00. 2) Respondent Joshua R. Post is liable for and shall pay to the Claimant \$500.00. 3) All requests for punitive damages are denied. 4) All requests for interest are denied. 5) The \$325.00 filing fees was waived by NASD Dispute Resolution. 6) Respondent Merrill Lynch Pierce Fenner & Smith Inc. is liable and shall pay to the NASD Dispute Resolution \$243.75 as reimbursement of 75% of the filing fees. 7) Respondent Joshua R. Post is liable and shall pay to the NASD Dispute Resolution 81.25 as reimbursement of 25% of the filing fees.

OTHER FEES: Pursuant to Rule 10333 of the Code, Respondent Merrill Lynch Pierce Fenner & Smith, Inc. has paid to NASD Dispute Resolution the \$325.00 Member Surcharge previously invoiced.

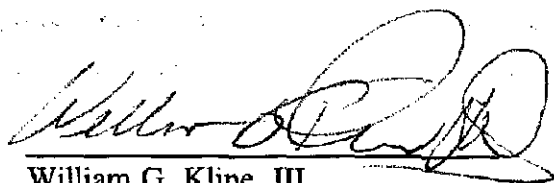
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William G. Kline, III

Sole Public Arbitrator

AFFIRMATION

I, William G. Kline, III, do hereby affirm, upon my oath as arbitrator that I am the individual described herein who executed this instrument, which is my oath and award.


William G. Kline, III

12-16-03
Signature Date

January 2, 2004
Date of Service (For NASD-DR office use only)