

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 02-07809

Marshall R. Lustig, Claimant vs. Merrill Lynch, Pierce, Fenner and Smith, Inc., and Michael Kelly, Respondents.

ATTORNEYS:

Claimant, Marshall R. Lustig, ("Claimant") appeared pro se., Dallas, TX.

Respondents, Merrill Lynch, Pierce, Fenner and Smith, Inc., and Michael Kelly, (collectively "Respondents"), appeared through their in-house counsel, Yosef Sinensky, Esq., New York, NY.

DATE FILED: December 26, 2002

CASE SUMMARY: Claimant alleged that Respondents misrepresented him by advising him against selling 100 shares of Applied Materials common stock in his account at market. Claimant maintained that due to Respondents' actions, he suffered financial losses.

Claim Data

Claim: \$2,332.00
Other: Unspecified

Award Data

Award: \$.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) The claims of Claimant are dismissed in their entirety. 2) All other relief requests are denied. 3) The \$75.00 filing fee previously deposited with NASD Dispute Resolution by the Claimant, shall be retained by NASD Dispute Resolution.

OTHER FEES: Pursuant to Rule 10333 of the Code, Respondent, Merrill Lynch, Pierce, Fenner & Smith Inc. has paid to NASD Dispute Resolution the \$150.00 Member Surcharge previously invoiced.

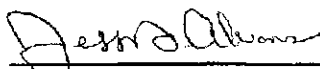
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Award 02-07809

Jeffrey H. Abrams

Sole Public Arbitrator

AFFIRMATION

I, Jeffrey H. Abrams, 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.



Jeffrey H. Abrams

June 16, 2003

Signature Date

June 27, 2003

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