

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 03-00899

Anne M. Dye, Claimant v. Merrill Lynch Pierce Fenner & Smith Inc. and Jason T. Lewer, Respondents.

ATTORNEYS:

For Claimant, Anne M. Dye, ("Claimant"), appeared Brian A. Carlis, Esq., of the firm, Stark & Stark, Lawrenceville, NJ.

Respondents, Merrill Lynch Pierce Fenner & Smith Inc. and Jason T. Lewer, (collectively "Respondents"), appeared through their in-house counsel Daniel E. Glatter, Esq., New York, NY.

NATURE OF DISPUTE: Customer v. Member and Associated Person

DATE FILED: February 6, 2003

CASE SUMMARY: Claimant alleged that Respondents breached their fiduciary duty, breached their contract, failed to execute her clear liquidation instructions, and misrepresented and recommended wholly unsuitable investments. Claimant further alleged that Respondent Merrill Lynch Pierce Fenner & Smith Inc. failed to exercise due diligence and to properly supervise its representative, Respondent Jason T. Lewer's, activities. Claimant maintained that due to Respondents' actions, her account suffered financial losses.

Claim Data

Claim: \$21,382.42
Interest: Pre and post judgment interest
on \$21,382.42
Attorney Fees: Unspecified
Filing Fees: Unspecified
Other: Unspecified

Award Data

Award: \$10,000.00
Interest: \$.00

Attorney Fees: \$.00
Filing Fees: \$425.00
Other: \$.00

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) Respondents are jointly and severally liable for and shall pay to the Claimant \$10,000.00. 2) All requests for interest are denied. 3) All requests for attorney fees are denied. 4) All other relief requests are denied. 5) NASD Dispute Resolution shall retain the \$425.00 filing fee that the Claimant deposited previously. 6) Respondents are jointly and severally liable and shall pay to the Claimant \$425.00 as reimbursement of the filing fee.

OTHER FEES: Pursuant to Rule 10333 of the Code, Respondent Merrill Lynch Pierce Fenner & Smith Inc. has paid to NASD Dispute Resolution the \$425.00 Member Surcharge previously invoiced.

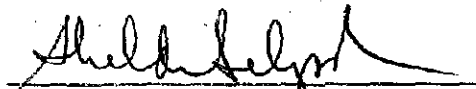
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Sheldon Seligsohn, Esq.

Sole Public Arbitrator

AFFIRMATION

I, Sheldon Seligsohn, Esq., 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.


Sheldon Seligsohn, Esq.

12/24/03
Signature Date

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