

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

CASE: 03-01870

Anthony and Carol Robinson, Claimants v. Merrill Lynch, Pierce, Fenner & Smith, Inc. and Jason C. Amador, Respondents.

---

**ATTORNEYS:**

For Claimants appeared W. Scott Greco of the law offices of Greco & Greco, P.C., McLean, VA.

For Respondents appeared in-house counsel Yosef Sinensky, Esq., New York, NY. Formerly represented by in-house counsel Daren A. Luma, Esq., New York, NY.

---

**NATURE OF CLAIM:** Customer v. Member and Associated Person

---

**DATE FILED:** March 17, 2003

---

**CASE SUMMARY:** Claimants alleged that Respondents failed to fully advise them of the risks of lack of diversification and a margin account, breached their fiduciary duty, misrepresented and omitted facts, breached their contract, violated NYSE and NASD Rules, were negligent, failed to supervise the account and placed their joint account in AT&T, Go2net, Northpoint, Yahoo, and BarnesandNoble.com stocks which were unsuitable to their objectives. Claimants maintained that due to Respondents' actions, their account suffered financial losses.

---

**ARBITRATOR'S REPORT:** Each trade was self directed. Claimants failed to carry the burden of proving that any of the securities transactions were the result of misconduct by Respondents.

---

**Claim Data**

Claim: \$19,829.00  
Interest: Unspecified  
Attorney Fees: \$6,609.67  
Filing Fee: Unspecified  
Other: Unspecified

---

**Award Data**

Award: \$.00  
Interest: \$.00  
Attorney Fees: \$.00  
Filing Fee: \$.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 Claimants are dismissed in their entirety. 2) All requests for interest are denied. 3) All requests for attorney fees are denied. 4) All other relief requests are denied. 5) The \$425.00 filing fee previously deposited with NASD Dispute Resolution by the Claimants, shall be retained by NASD Dispute Resolution. 6) The arbitrator recommends the expungement of all reference to the above captioned arbitration from Respondent Jason C. Amador's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notice to Members 99-09 and 99-54, Respondent Jason C. Amador must obtain confirmation from a court of competent jurisdiction before CRD will execute the expungement directive.

---

**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.

Thomas Y. Higashi, Esq.

Sole Public Arbitrator

**AFFIRMATION**

I, Thomas Y. Higashi, 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.

Thomas Y. Higashi  
Thomas Y. Higashi, Esq.

October 30, 2003  
Signature Date

October 30, 2003

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