

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 03-03020

Harriet Eliopoulos, Claimant v. Merrill Lynch Pierce Fenner & Smith, Inc. and Sean R. Miller, Respondents.

ATTORNEYS:

For Claimant, Harriet Eliopoulos, ("Claimant"), appeared Wm. Jemison Mims, Jr., Esq., of the firm Levin, Papantonio, Thomas, Mitchell, Echsner, & Proctor, P.A., Pensacola, FL.

For Respondents, Merrill Lynch Pierce Fenner & Smith, Inc., and Sean R. Miller, ("Respondents"), appeared Julie L. Wilson, of the firm Maynard, Cooper & Gale, P.C., Birmingham, AL.

NATURE OF DISPUTE: Customer v. Member and Associated Person

DATE FILED: April 24, 2003

CASE SUMMARY: Claimant alleged that Respondents breached their fiduciary duty, committed fraud, and negligently misrepresented and omitted material facts that were necessary to make informed investment decisions in her portfolio. Claimant maintained that due to Respondents' actions, her account suffered financial losses.

Claim Data

Claim: \$16,334.00
Punitive: Unspecified
Interest: Unspecified
Attorney Fees: Unspecified
Filing Fees: Unspecified
Other: Unspecified

Award Data

Award: \$.00
Punitive: \$.00
Interest: \$.00
Attorney Fees: \$.00
Filing Fees: \$.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 the Claimant are dismissed in their entirety. 2) All requests for punitive damages are denied. 3) All requests for interest are denied. 4) All requests for attorney fees are denied. 5) All other relief requests are denied.

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.

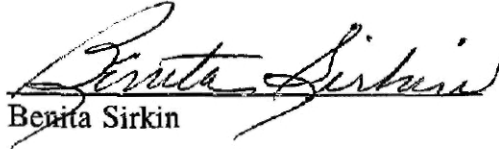
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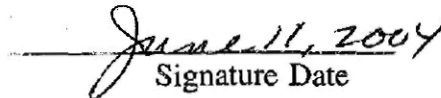
ARBITRATOR

Benita Sirkin - Sole Public Arbitrator

AFFIRMATION

I, Benita Sirkin, 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.


Benita Sirkin


Signature Date

June 17, 2004
Date of Service (For NASD-DR office use only)