

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 03-03259

Camille T. Davis, Claimant v. Merrill Lynch Pierce Fenner & Smith, Inc., Respondent.

ATTORNEYS:

For Claimant, Camille T. Davis, ("Claimant"), appeared Wm. Jemison Mims, Jr., Esq. of the Law Offices of Levin, Papantonio, Thomas et al, Pensacola, FL., and Hooper & Weiss, L.L.C., Orlando, FL.

For Respondent, Merrill Lynch Pierce Fenner & Smith, Inc., ("Respondent"), appeared A. Inge Selden III, Julie L. Wilson, and Carl S. Burkhalter of the Law Offices of Maynard, Cooper & Gale, P.C., Birmingham, AL.

NATURE OF DISPUTE: Customer v. Member

DATE FILED: May 2, 2003

CASE SUMMARY: Claimant alleged that Respondent breached its fiduciary duty, negligently, intentionally, and/or recklessly misrepresented and/or omitted material facts that were necessary to make informed investment decisions, was negligent, and violated Blue Sky Laws as well as Section 10(b) of the Exchange Act and Rule 10B-5 promulgated thereunder. Claimant maintained that due to Respondent's action, her account suffered financial losses.

Claim Data

Claim: \$3,281.73

Interest: Unspecified

Punitive: Unspecified

Attorney Fees: Unspecified

Filing Fees: \$.00

Other: Unspecified

Award Data

Award: \$3,281.73

Interest: At the rate of 6% per annum from 1/22/03 until award is paid in full

Punitive: \$.00

Attorney Fees: \$1,641.00

Filing Fees: \$175.00

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 is liable and shall pay to the Claimant \$3,281.73. 2) Respondent is liable and shall pay to the Claimant interest at the rate of 6% per annum from January 22, 2003 until award is paid in full. 3) Respondent is liable and shall pay to the Claimant \$1,641.00 in attorney fees according to Claimant's request. 4) All requests for punitive damages are denied. 5) All other relief requests are denied. 6) NASD Dispute Resolution shall retain the \$175.00 filing fee that the Claimant deposited previously. 7) Respondent is liable and shall pay to the Claimant \$175.00 as reimbursement of the filing fee.

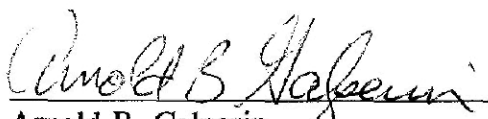
OTHER FEES: Pursuant to Rule 10333 of the Code, Respondent has paid to NASD Dispute Resolution the \$200.00 Member Surcharge previously invoiced.

Arnold B. Galperin

Sole Public Arbitrator

AFFIRMATION

I, Arnold B. Galperin, 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.


Arnold B. Galperin


Signature Date

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