

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

CASE: 03-03966

Merrill Lynch Pierce Fenner & Smith, Inc., Claimant v. Christophe Thomas II, Respondent.

**ATTORNEYS:**

For Claimant, Merrill Lynch Pierce Fenner & Smith, Inc., ("Claimant"), Jill E. Steinberg, Esq., of the law offices of Rogers & Hardi, LLP, Atlanta, GA.

Respondent, Christopher Thomas II ("Respondent") did not submit a response to the Statement of Claim.

**NATURE OF DISPUTE:** Member v. Customer

**DATE FILED:** May 27, 2003

**CASE SUMMARY:** Claimant alleged that Respondent breached his Client and CMA Agreements, committed fraud, and expressly promised but failed to pay the outstanding balance due in his Merrill Lynch Pierce Fenner & Smith, Inc. account. Claimant maintained that due to Respondent's action, the corporation suffered financial losses.

**Claim Data**

Claim: \$14,563.13  
Interest: Unspecified  
Attorney Fees: Unspecified  
Filing Fees: \$1,050.00  
Other: Unspecified

**Award Data**

Award: \$14,563.13  
Interest: \$.00  
Attorney Fees: \$4,764.31  
Filing Fees: \$525.00  
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 Respondent is liable and shall pay to the Claimant \$14,563.13. 2) Respondent is liable and shall pay to Claimant \$4,764.31 for attorney fees as per Claimant's request. 3) All requests for interest are denied. 4) All other relief requests are denied. 5) NASD Dispute Resolution shall retain the \$1,050.00 filing fee that the Claimant previously deposited. 6) Respondent is liable and shall pay to Claimant \$525.00 as reimbursement of one half of the filing fee.

**OTHER FEES:** Pursuant to Rule 10333 of the Code, Claimant has paid to NASD Dispute Resolution the \$425.00 Member Surcharge previously invoiced.

**OTHER ISSUES:** Pursuant to the By-Laws of NASD Dispute Resolution, the arbitrator determined that Respondent Christophe Thomas II was served notice of the Statement of Claim and Overdue Notice by regular mail and is therefore bound by the arbitrator's ruling and determination.

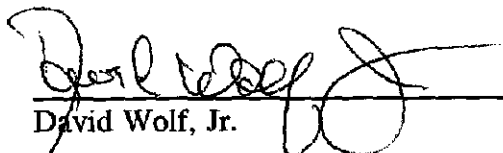
Page Two  
Award 03-03966

David Wolf, Jr.

Sole Public Arbitrator

**AFFIRMATION**

I, David Wolf, Jr., 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.

  
David Wolf, Jr.

11-10-03  
Signature Date

November 26, 2003  
Date of Service (For NASD-DR office use only)