

**NASD DISPUTE RESOLUTION AWARD**  
**NASD DISPUTE RESOLUTION**  
CASE: 03-04364

Basil Williams, Claimant v. Merrill Lynch Pierce Fenner & Smith, Inc., Respondent.

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**ATTORNEYS:**

For Claimant, Basil Williams, ("Claimant"), appeared Wm. Jemison Mims, Jr., of Levin, Papantonio, Thomas, Mitchell, Echsner, & Proctor P.A., Pensacola, FL.

For Respondent, Merrill Lynch Pierce Fenner & Smith, Inc., ("Respondent"), appeared Julie L. Wilson, of Maynard, Cooper & Gale, P.C., Birmingham, AL.

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

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**DATE FILED:** June 16, 2003

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**CASE SUMMARY:** Claimant alleged that Respondent breached its fiduciary duty, committed fraud, and was negligent. Claimant additionally alleged that Respondent violated Blue Sky Laws and Sections 10(b) and 10b-5 of the Exchange Act. Claimant's claim involved Palm Inc., Global Crossing, Real Networks Inc., Storage Networks Inc., Ariba Inc., Priceline.com, Solelectron Corp., Microstrategy Inc., Digital Island, and Etoys, Inc. stock. Claimant maintained that due to Respondent's action, his accounts suffered financial losses.

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**Claim Data**

Claim: \$15,301.59  
Punitive Damages: Unspecified  
Attorney Fees: Unspecified  
Filing Fees: Unspecified  
Other: Unspecified

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**Award Data**

Award: \$.00  
Punitive Damages: \$.00  
Attorney Fees: \$.00  
Filing Fees: \$.00  
Other: \$.00

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**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 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.

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

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**ARBITRATOR**

Seymour Freed - Sole Public Arbitrator

**AFFIRMATION**

I, Seymour Freed, 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.

Seymour Freed  
Seymour Freed

3 / 2 / 2004  
Signature Date

March 12, 2004  
Date of Service (For NASD office use only)