

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 03-05471

William Masters IRA, Claimant v. Merrill Lynch Pierce Fenner & Smith, Inc., Respondent.

ATTORNEYS:

For Claimant, William Masters IRA, ("Claimant"), appeared William Jemison Mims, Esq., 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.

NATURE OF DISPUTE: Customer v. Member

DATE FILED: July 25, 2003

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 Internet Strategies and Global Technologies stock. Claimant maintained that due to Respondent's action, his IRA suffered financial losses.

Claim Data

Claim: \$14,886.22
Punitive Damages: Unspecified
Attorney Fees: Unspecified
Filing Fees: Unspecified
Other: Unspecified

Award Data

Award: \$.00
Punitive Damages: \$.00
Attorney Fees: \$.00
Filing Fees: \$212.50
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 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. 6) Respondent is liable and shall pay to the Claimant \$212.50 as reimbursement of one-half of the filing fee.

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

Bernard F. Vail

Sole Public Arbitrator

AFFIRMATION

I, Bernard F. Vail, 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.

Bernard Flail

Bernard F. Vail

Feb. 26, 2004

Signature Date

March 17, 2004

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