

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

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CASE: 03-05603

Richella Coleman, Claimant vs. Merrill Lynch, Pierce, Fenner & Smith, Inc., Respondent

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**ATTORNEYS:**

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

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

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

**DATE FILED:** July 30, 2003.

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**CASE SUMMARY:** Claimant alleged that Respondent breached its fiduciary duty, breached its contract, negligently, intentionally, and/or recklessly misrepresented and/or omitted material facts that were necessary to make informed decisions in the portfolio of her account, and violated Blue Sky Laws. Claimant's claim involved shares of Cisco Systems Incorporated and AOL Time Warner.

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**Claim Data**

Claim: \$8,916.00  
Punitive: Unspecified  
Interest: Unspecified  
Attorneys' Fees: Unspecified  
Filing Fees: Unspecified  
Other: Unspecified

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**Award Data**

Award: \$.00  
Punitive: \$.00  
Interest: \$.00  
Attorneys' Fees: \$.00  
Filing Fees: \$162.50  
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 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 attorneys' fees are denied. 5) All other relief requests are denied. 6) NASD Dispute Resolution shall retain the \$325.00 filing fee that the claimant deposited previously. 7) Respondent is liable and shall pay Claimant \$162.50 as reimbursement of one-half of the filing fee.

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**OTHER FEES:** Pursuant to Rule 10333 of the Code, Respondent has paid to NASD Dispute Resolution the \$325.00 Member Surcharge previously invoiced.

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Award 03-05603

Patrick R. Sughrue

Sole Public Arbitrator

AFFIRMATION

I, Patrick R. Sughrue, 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.

  
Patrick R. Sughrue

9-3-04  
Signature Date

September 15, 2004  
Date of Service (For NASD-DR office use only)