

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 03-05605

Kenneth M. Vale, Claimant v. Merrill Lynch, Pierce, Fenner & Smith, Inc., Respondent

ATTORNEYS:

For Claimant Kenneth M. Vale ("Claimant") appeared Wm. Jemison Mims, Jr., Esq., of the firm Levin, Papantonio, Thomas, Mitchell, Echsner & Proctor, P.A., Pensacola, FL.

For Respondent Merrill Lynch, Pierce, Fenner & Smith, Inc. ("Respondent") appeared R. Allen Kilgore, Jr., Esq., of the firm Maynard, Cooper & Gale, P.C., Birmingham, AL.

NATURE OF DISPUTE: Customer vs. Member.

DATE FILED: July 30, 2003.

CASE SUMMARY: Claimant alleged that Respondent failed to properly allocate the Claimant's portfolio and recommended unsuitable securities. Claimant further alleged that respondent provided fraudulent analyst reports, which recommended the purchase of, and set target prices for the common stock of companies without any reasonable factual basis. Claimant's claim involved shares of Tyco International, AOL Time Warner, and Cisco Systems Incorporated.

Claim Data	Award Data
Claim: \$19,595.53	Award: \$.00
Punitive: Unspecified	Punitive: \$.00
Interest: Unspecified	Interest: \$.00
Attorney Fees: \$.00	Attorney Fees: \$.00
Filing Fees: \$.00	Filing Fees: \$212.50
Other: \$.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 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 attorney fees are denied. 5) All other relief requests are denied. 6) NASD Dispute Resolution shall retain the \$425.00 filing fee that the Claimant deposited previously. 6) Respondent is liable and shall pay 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.

ARBITRATOR

Douglas John Baumann, Esq. - Sole Public Arbitrator

AFFIRMATION

I, Douglas John Baumann, Esq., do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein, and who executed this instrument which is my award.



Douglas John Baumann, Esq.

10-25-04
Signature Date

November 1, 2004
Date of Service (For NASD-DR office use only)