

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 03-05648

Joan P. Smith and Louis R. Smith, Jr., Claimants v. Merrill Lynch, Pierce, Fenner & Smith, Inc.,
Kenneth Frankman, and James Gaughran, Respondents

ATTORNEYS:

Claimants Joan P. Smith and Louis R. Smith, Jr. (collectively "Claimants") appeared *pro se*,
Coram, NY.

For Respondents Merrill Lynch, Pierce, Fenner & Smith, Inc., Kenneth Frankman, and James
Gaughran (collectively "Respondents") appeared Yosef Sinensky, Esq., in-house counsel,
Merrill Lynch, Pierce, Fenner & Smith, Inc., New York, NY.

NATURE OF DISPUTE: Customers v. Member and Associated Persons.

DATE FILED: August 1, 2003.

CASE SUMMARY: Claimants alleged that Respondents placed them in investments that were
unsuitable to their needs and objectives. Claimants maintained that due to Respondents' actions,
their accounts suffered losses. Claimants' claim involved certificates of deposit and mutual
funds.

Claim Data

Claim: \$22,095.00
Punitive: \$2,500.00
Filing Fees: \$150.00

Award Data

Award: \$.00
Punitive: \$.00
Filing Fees: \$63.75

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 Claimants are dismissed in
their entirety. 2) All requests for punitive damages are denied. 3) All other relief requests are
denied. 4) NASD Dispute Resolution shall retain the \$425.00 filing fee that the Claimants
deposited previously. 5) Respondents are jointly and severally liable and shall pay Claimants
\$63.75 as reimbursement of 15% of the filing fee.

OTHER FEES: Pursuant to Rule 10333 of the Code, Respondent Merrill Lynch, Pierce, Fenner
& Smith, Inc. has paid to NASD Dispute Resolution the \$425.00 Member Surcharge previously
invoiced.

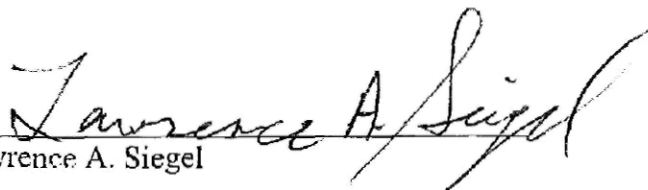
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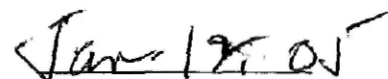
Lawrence A. Siegel

Sole Public Arbitrator

AFFIRMATION

I, Lawrence A. Siegel, 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.


Lawrence A. Siegel


Signature Date

January 21, 2005
Date of Service (For NASD-DR office use only)