

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION
CASE: 03-06367

Priscilla S. Rudomanski (Acct 25519) and Priscilla S. Rudomanski (Acct 35722), Claimant v. Merrill Lynch Pierce Fenner & Smith, Inc., Respondent.

ATTORNEYS:

For Claimant, Priscilla S. Rudomanski (Acct 25519) and Priscilla S. Rudomanski (Acct 35722), ("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 v. Member

DATE FILED: September 2, 2003

CASE SUMMARY: Claimant alleged that Respondent breached its fiduciary duty, committed fraud, negligently misrepresented and omitted material facts that were necessary to make informed investment decisions in her portfolio, and violated blue sky laws. Claimant maintained that due to Respondent's actions, her accounts suffered financial losses.

Claim Data

Claim: \$14,823.00
Punitive: Unspecified
Interest: Unspecified
Attorney Fees: Unspecified
Filing Fees: Unspecified
Other: Unspecified

Award Data

Award: \$.00
Punitive: \$.00
Interest: \$.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 interest are denied. 4) All requests for attorney fees are denied. 5) All other requests are denied. 6) NASD Dispute Resolution shall retain the \$425.00 filing fee that the Claimant deposited previously. 7) Respondent is liable and shall pay to the Claimant \$212.50 as reimbursement of one-half of the filing fee.

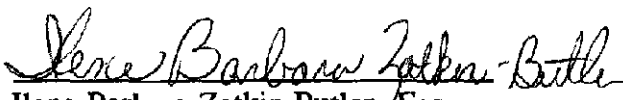
OTHER FEES: Pursuant to Rule 10333 of the Code, Respondent has paid to NASD Dispute Resolution the \$425.00 Member Surcharge previously invoiced.

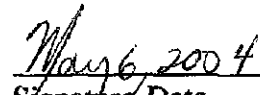
ARBITRATOR

Ilene Barbara Zatzkin-Butler, Esq.- Sole Public Arbitrator

AFFIRMATION

I, Ilene Barbara Zatzkin-Butler, 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.


Ilene Barbara Zatzkin-Butler, Esq.


Signature Date

May 14, 2004
Date of Service (For NASD-DR office use only)