

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 04-00888

Arlene Schiavo IRA, Claimant v. Merrill Lynch Pierce Fenner & Smith, Inc., Respondent.

ATTORNEYS:

For Claimant, Arlene Schiavo IRA, ("Claimant"), appeared Jeffrey B. Kaplan, Esq., of the firm Dimond Kaplan & Rothstein, P.A., Miami, FL.

For Respondent, Merrill Lynch Pierce Fenner & Smith, Inc., ("Respondent"), appeared A. Inge Selden, Esq., III, of the firm Maynard Cooper & Gale, P.C., Birmingham, AL.

NATURE OF DISPUTE: Customer v. Member

DATE FILED: February 6, 2004

CASE SUMMARY: Claimant alleged that Respondent breached its fiduciary duty by fraudulently and negligently misrepresenting material facts regarding unsuitable investment in Focus 20 Fund stock. Claimant maintained that due to Respondent's actions, her retirement account suffered financial losses.

Claim Data

Claim: \$4,647.50
Interest: Unspecified
Filing Fees: Unspecified
Other: Unspecified

Award Data

Award: \$.00
Interest: \$.00
Filing Fees: \$.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 the Claimant are dismissed in their entirety. 2) All requests for interest are denied. 3) All other relief requests are denied. 4) NASD Dispute Resolution shall retain the \$175.00 filing fee that the Claimant deposited previously.

OTHER FEES: Pursuant to Rule 10333 of the Code, respondent has paid to NASD Dispute Resolution the \$200.00 Member Surcharge previously invoiced.

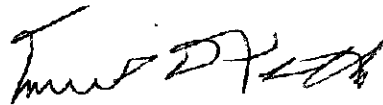
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ARBITRATOR

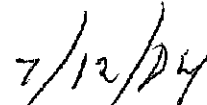
Michael D. Felton - Sole Public Arbitrator

AFFIRMATION

I, Michael D. Felton, 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.



Michael D. Felton



Signature Date

July 21, 2004

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