

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION
CASE: 04-00892

Christ Jaeger, Claimant v. Merrill Lynch, Pierce, Fenner & Smith, Inc., Respondent.

ATTORNEYS:

For Claimant, Christ Jaeger, ("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 Bradley B. Rounsaville, Esq., 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, committed common law fraud, fraudulent misrepresentation and fraudulent inducement, and was negligent. Claimant's claim involved Focus 20 Fund stock. Claimant maintained that due to Respondent's actions, his account suffered financial losses.

Claim Data

Claim: \$10,117.23, plus rescissionary damages and restitution
and/or disgorgement of monies earned by Respondent as a result
of sale of Focus 20 Fund stock to Claimant

Interest: Prejudgment at the statutory rate

Filing Fees: Unspecified

Other: Unspecified

Award Data

Award: \$.00

Interest: \$.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 interest are denied. 3) All other relief requests are denied. 4) NASD Dispute Resolution shall retain the \$425.00 filing fee that the Claimant deposited previously. 5) Respondent is liable and shall pay to the Claimant \$212.50 as reimbursement of one-half of the filing fee.

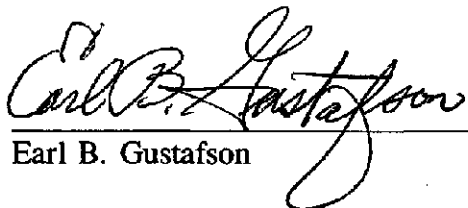
OTHER FEES: Pursuant to Rule 10333 of the Code, Respondent has paid to NASD Dispute Resolution the \$425.00 Member Surcharge previously invoiced.

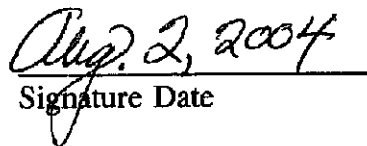
ARBITRATOR

Earl B. Gustafson - Sole Public Arbitrator

AFFIRMATION

I, Earl B. Gustafson, 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.


Earl B. Gustafson


Signature Date

August 6, 2004
Date of Service (For NASD-DR office use only)