

NASD DISPUTE RESOLUTION AWARD

NASD DISPUTE RESOLUTION

CASE: 04-00895

Knap Family Revocable Trust, Jack and Hilda Knap, Trustees, Claimants v. Merrill Lynch Pierce Fenner & Smith, Inc., Respondent.

ATTORNEYS:

For Claimants, Knap Family Revocable Trust, Jack and Hilda Knap, Trustees, ("Claimants"), 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: Customers v. Member

DATE FILED: February 6, 2004

CASE SUMMARY: Claimants alleged that Respondent breached its fiduciary duty, was negligent, and committed common law fraud, fraudulent misrepresentation, and fraudulent inducement. Claimants' claim involved Focus 20 Fund stock. Claimants maintained that due to Respondent's actions, their trust account suffered financial losses.

Claim Data

Claim: \$25,000.00, plus rescission of sale of Focus 20 Fund to Claimants, as well as restitution and/or disgorgement of monies earned by Respondent from such transactions.
Interest: Prejudgment
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 Claimants 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 Claimants deposited previously. 5) Respondent is liable and shall pay to the Claimants \$212.50 as reimbursement of one-half of the filing fee.

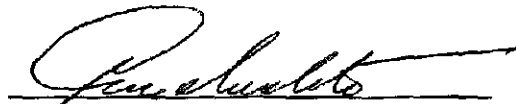
OTHER FEES: Pursuant to Rule 10333 of the Code, Respondent has paid to NASD Dispute Resolution the \$425.00 Member Surcharge previously invoiced.

ARBITRATOR

Carl Shechter, Esq. - Sole Public Arbitrator

AFFIRMATION

I, Carl Shechter, Esq., 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.


Carl Shechter, Esq.

7/21/04
Signature Date

July 28, 2004
Date of Service (For NASD-DR office use only)