

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Florence Cittadini (Claimant) v. Merrill Lynch, Pierce, Fenner & Smith, Inc. and Thomas Lynch Ford (Respondents)

Case Number: 04-01021

Hearing Site: Hartford, Connecticut

Nature of the Dispute: Customer vs. Member and Associated Person.

REPRESENTATION OF PARTIES

Claimant Florence Cittadini ("Cittadini") hereinafter referred to as "Claimant" appeared *pro se*.

Respondents Merrill Lynch, Pierce, Fenner & Smith, Inc. ("Merrill Lynch") and Thomas Lynch Ford ("Ford") hereinafter collectively referred to as "Respondents": Lauryn J. Hart, Esq., Merrill Lynch, Pierce, Fenner & Smith, Inc., New York, NY.

CASE INFORMATION

Statement of Claim filed on or about: February 13, 2004.

Claimant signed the Uniform Submission Agreement: February 10, 2004.

Joint Statement of Answer and Motion to Dismiss filed by Respondents on or about: March 29, 2004.

Respondent Merrill Lynch signed the Uniform Submission Agreement: March 29, 2004.

Respondent Ford signed the Uniform Submission Agreement: March 5, 2004.

CASE SUMMARY

Claimant asserted the following cause of action: unauthorized trading. The causes of action relate to the sale of shares in the Merrill Lynch Basic Value Fund.

Unless specifically admitted in their Answer, Respondents denied the allegations made in the Statement of Claim.

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$20,000.00; punitive damages in the amount of \$5,000.00; costs in the amount of \$425.00; and attorneys' fees in the amount of

\$1,000.00.

Respondent requested that the Statement of Claim be dismissed in its entirety and that the Panel enter an order directing that all references to this matter be expunged from the CRD record of Respondent Ford.

OTHER ISSUES CONSIDERED AND DECIDED

Claimant originally requested that this matter be decided solely upon the pleadings and documents submitted. In their Statement of Answer, Respondents requested a hearing. On or about June 18, 2004, the Arbitrator notified NASD Dispute Resolution that he granted Respondents' request for a hearing.

Respondents made a motion to expunge the CRD record of Respondent Ford with respect to the instant claim. After due consideration, the Arbitrator determined to grant the motion and found that the allegation is false.

AWARD

After considering the pleadings, and the testimony and evidence presented at the hearing, the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. The claims of Claimant are dismissed in their entirety.
2. Any and all relief not specifically addressed herein, including punitive damages, is denied.
3. The Arbitrator finds that the allegation is false and recommends the expungement of all reference to the above captioned arbitration from Respondent Thomas Lynch Ford's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondent Thomas Lynch Ford must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution will retain or collect the non-refundable filing fees for each claim:
Initial claim filing fee = \$125.00

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm that employed the associated person at the time of the events giving rise to the dispute. Accordingly, Merrill Lynch, Pierce, Fenner & Smith, Inc. is a party.

Member surcharge = \$425.00

Forum Fees and Assessments

The Arbitrator has assessed forum fees for each session conducted. A session is any meeting between the parties and the arbitrator, including a pre-hearing conference with the arbitrator, that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with a single arbitrator @ \$450.00	= \$450.00
Pre-hearing conference: August 27, 2004 1 session	
Two (2) Hearing sessions @ \$450.00	= \$900.00
Hearing Date: January 31, 2005 2 sessions	
Total Forum Fees	= \$1,350.00

1. The Panel has assessed \$1,350.00 of the forum fees against Respondent Merrill Lynch.

Fee Summary

1. Claimant is solely liable for:

<u>Initial Filing Fee</u>	= \$ 125.00
Total Fees	= \$ 125.00
<u>Less payments</u>	= \$ 425.00
Refund Due Claimant	= \$ 300.00

2. Respondent Merrill Lynch is solely liable for:

Member Fees	= \$ 425.00
<u>Forum Fees</u>	= \$1,350.00
Total Fees	= \$1,775.00
<u>Less payments</u>	= \$ 425.00
Balance Due NASD Dispute Resolution	= \$1,350.00

All balances are payable to NASD Dispute Resolution and are due upon receipt pursuant to Rule 10330(g) of the Code.

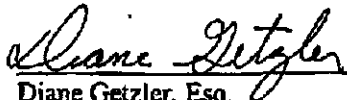
ARBITRATION PANEL

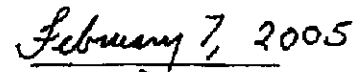
Diane Getzler, Esq.

Sole Public Arbitrator

Arbitrator's Signature

I, the undersigned arbitrator, 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.


Diane Getzler, Esq.
Public Arbitrator


Signature Date

February 8, 2005
Date of Service (For NASD Dispute Resolution use only)