

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 04-01415

Roger M. Greger and Jacqueline C. Greger, Claimants v. Merrill Lynch, Pierce, Fenner & Smith, Inc., Respondent

ATTORNEYS:

For Claimants Roger M. Greger and Jacqueline C. Greger ("Claimants") 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 Andrea M. Greene, Esq. of the firm Maynard, Cooper & Gale, P.C., Birmingham, AL.

NATURE OF DISPUTE: Customers vs. Member.

DATE FILED: March 2, 2004.

CASE SUMMARY: Claimants' claim arises out of Respondent's fraudulent analyst reports, which recommended the purchase of, and set target prices for the common stock of companies without any reasonable factual basis. Claimants alleged Respondent breached its fiduciary duty, committed fraud, and negligently, intentionally, and/or recklessly misrepresented and/or omitted material facts that were necessary to make informed decisions regarding their account, and violated Blue Sky Laws. Claimants' claim involved shares of Tyco International and AOL Time Warner.

Claim Data

Claim: \$6,468.24
Punitive: Unspecified
Interest: Unspecified
Attorney Fees: \$.00
Filing Fees: \$.00
Other: \$.00

Award Data

Award: \$.00
Punitive: \$.00
Interest: \$.00
Attorney Fees: \$.00
Filing Fees: \$162.50
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 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 relief requests are denied. 6) NASD Dispute Resolution shall retain the \$325.00 filing fee that the Claimant deposited previously. 6) Respondent is liable and shall pay Claimant \$162.50 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 \$325.00 Member Surcharge previously invoiced.


Page Two
Award 04-01415

Barry Goldman, Esq.

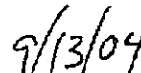
Sole Public Arbitrator

AFFIRMATION

I, Barry Goldman, 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.



Barry Goldman, Esq.



Signature Date.

September 15, 2004

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