

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 04-01452

Nathan Engel, Claimant v. Merrill Lynch, Pierce, Fenner and Smith, Inc., Respondent.

ATTORNEYS:

For Claimant, Nathan Engel, ("Claimant") 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 and Smith, Inc., ("Respondent") appeared A. Inge Selden, III, Esq., of the firm Maynard, Cooper & Gale, P.C. Birmingham, AL.

NATURE OF DISPUTE: Customer vs. Member.

DATE FILED: March 3, 2004.

CASE SUMMARY: Claimant alleged that he suffered financial damages as a result 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. Claimant further alleged breach of fiduciary duty, common law fraud, fraudulent misrepresentation, fraudulent inducement, negligence, negligent misrepresentation, and gross negligence. Claimants' claim involved Doubleclick Inc Del Com stock.

Claim Data

Claim: \$20,000.00
Punitive: Unspecified
Interest: Unspecified
Attorney Fees: Unspecified
Filing Fees: Unspecified
Other: Unspecified

Award Data

Award: \$.00
Punitive: \$.00
Interest: \$.00
Attorney Fees: \$.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 Claimant are dismissed in their entirety. 2) All requests for punitive damages are denied. 3) All requests for interest are denied. 4) All request for attorney fees are denied. 5) All other relief requests are denied. 6) NASD Dispute Resolution shall retain the \$425.00 filing fee that the Claimants deposited previously.

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

OTHER ISSUES: The Arbitrator granted Respondent Motion to Dismiss and Strike the Statement of Claim. All other Motions are rendered moot.

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Ann Pinciss Berman, Esq. - Sole-Public Arbitrator

AFFIRMATION

I, Ann Pinciss Berman, Esq., do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rule, that I am the individual described herein who executed this instrument which is my award.



Ann Pinciss Berman, Esq.

10.15.04
Signature Date

October 25, 2004
Date of Service (For NASD-DR office use only)