

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 04-01493

Seth Skolnick, Claimant vs. Merrill Lynch, Pierce, Fenner & Smith, Inc., Respondent

ATTORNEYS:

For Claimant Seth Skolnick ("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 A. Inge Selden, III, Esq., of the firm Maynard, Cooper & Gale, P.C., Birmingham, AL.

NATURE OF DISPUTE: Customer vs. Member.

DATE FILED: March 4, 2004.

CASE SUMMARY: Claimant alleged that Respondent made misrepresentations associated with the recommendation and sale of its proprietary mutual fund, the Merrill Lynch Focus Twenty Fund. Claimant further alleged that Respondent breached its fiduciary duty, committed common law fraud, made fraudulent misrepresentations, fraudulent inducement, negligence, negligent misrepresentation, and gross negligence.

Claim Data

Claim: \$5,100.00
Restitution/Disgorgement: Unspecified
Interest: Unspecified
Filing Fees: Unspecified
Other: Unspecified

Award Data

Award: \$.00
Award: \$.00
Interest: \$.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) Claimant's claims for restitution/disgorgement are denied. 3) All requests for interest are denied. 4) All other relief requests are denied. 5) NASD Dispute Resolution shall retain the \$325.00 filing fee that the Claimant deposited previously.

OTHER FEES: Pursuant to Rule 10333 of the Code, Respondent has paid to NASD Dispute Resolution the \$325.00 Member Surcharge previously invoiced.


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Seth L. Finkel, Esq.

Sole Public Arbitrator

AFFIRMATION

I, Seth L. Finkel, 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.



Seth L. Finkel, Esq.



Signature Date

December 1, 2004

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