

**NASD DISPUTE RESOLUTION AWARD**  
**NASD DISPUTE RESOLUTION**

CASE: 04-01494

Shelley A. Skolnick & Louis Skolnick JTWROS, Claimants v. Merrill Lynch, Pierce, Fenner & Smith, Inc., Respondent.

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**ATTORNEYS:**

For Claimants, Shelley A. Skolnick & Louis Skolnick JTWROS, ("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.

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**NATURE OF DISPUTE:** Customer v. Member.

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**DATE FILED:** March 4, 2004.

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**CASE SUMMARY:** Claimants alleged that Respondent breached its fiduciary duty, negligently, intentionally and/or recklessly violated the high standards of commercial honor and just and equitable principles of trade, and fraudulently misrepresented material facts in connection with the offer and sale of the Focus 20 Fund. Claimants maintained that due to Respondent's actions, the joint account suffered financial losses.

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**Claim Data**

Claim: \$25,000.00  
Interest: Unspecified  
Filing Fees: Unspecified  
Other: Unspecified

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**Award Data**

Award: \$.00  
Interest: \$.00  
Filing Fees: \$212.50  
Other: \$.00

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**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.

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

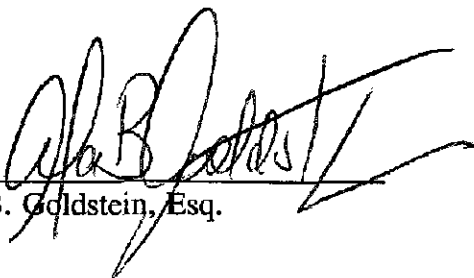
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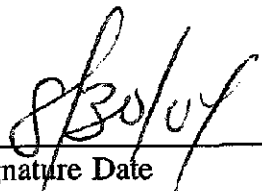
**ARBITRATOR**

Alan B. Goldstein, Esq. - Sole Public Arbitrator

**AFFIRMATION**

I, Alan B. Goldstein, 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.

  
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Alan B. Goldstein, Esq.

  
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Signature Date

September 15, 2004  
Date of Service (For NASD-DR office use only)