

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 04-01497

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

ATTORNEYS:

For Claimant Ethan 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 Julie L. Wilson, 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 she suffered financial damages as a result of Respondent's misrepresentations associated with the recommendation and sale of its proprietary mutual fund, the Merrill Lynch Focus Twenty Fund. Claimant further alleged breach of fiduciary duty, common law fraud, fraudulent misrepresentation, fraudulent inducement, negligence, negligent misrepresentation, and gross negligence.

Claim Data

Claim: Rescission
 Claim: \$8,330.00
 Interest: Unspecified
 Filing Fees: Unspecified
 Other: Unspecified

Award Data

Award: \$.00
 Claim: \$.00
 Interest: \$.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 rescission 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. 6) Respondent 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.

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Award 04-01497

Mark C. Perry, Esq.

Sole Public Arbitrator

AFFIRMATION

I, Mark C. Perry, 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.



Mark C. Perry, Esq.

Nov 2, 2004
Signature Date

November 3, 2004

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