

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 04-02025

David C. Goetsch and Barbara L. Goetsch (Claimants) v. Merrill Lynch, Pierce, Fenner & Smith, Inc. (Respondent)

ATTORNEYS:

For Claimants David C. Goetsch and Barbara L. Goetsch (collectively "Claimants") appeared Wm. Jemison Mims, Jr., Esq. and A. Renee Preston, Esq. of the firm Levin, Papantonio, Thomas, Mitchell, Echsner & Proctor, P.A., Pensacola, 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: Customers vs. Member.

DATE FILED: March 25, 2004.

CASE SUMMARY: Claimants alleged Respondent provided fraudulent analyst reports, which recommended the purchase of, and set target prices for the common stock of companies without any reasonable factual basis. Claimants further alleged breach of fiduciary duty, fraud, negligent misrepresentation, negligence, violation of Blue Sky Laws, and breach of contract. Claimants maintained that due to Respondent's actions, their accounts suffered losses. Claimants' claim involved shares of Enron, EMC Corporation, Inktomi Corporation, JDS Uniphase Corporation, Priceline.Com Incorporated, America Online Time Warner, and Merrill Lynch Global Technology Fund Class D.

Claim Data

Claim: \$21,999.38
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: \$212.50
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 Claimants 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 \$425.00 filing fee that the Claimants deposited previously. 7) Respondent is liable and shall pay Claimants \$212.50 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 \$425.00 Member Surcharge previously invoiced.

Page Two
Award 04-02025

ARBITRATOR

Rew R. Goodenow, Esq. - Sole Public Arbitrator

AFFIRMATION

I, Rew R. Goodenow, 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.



Rew R. Goodenow, Esq.

5/10/05

Signature Date

May 13, 2005

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