

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 04-02405

Kathryn B. Hause, Claimant v. Merrill Lynch, Pierce, Fenner & Smith, Inc., Respondent

ATTORNEYS:

For Claimant, Kathryn B. Hause, ("Claimant"), appeared Wm. Jemison Mims, Jr. Esq., of the firm Levin, Papantonio, Thomas, Mitchell, Echsner, Procter, P.A., Pensacola, FL.

For Respondents, Merrill Lynch, Pierce, Fenner & Smith, Inc., ("Respondent"), appeared Kathryn R. Eldridge, Esq., of the firm Maynard Cooper & Gale P.C., Birmingham, AL.

NATURE OF DISPUTE: Customer vs. Member.

DATE FILED: April 6, 2004.

CASE SUMMARY: Claimant alleged that Respondent breached its fiduciary duty to generate analyst reports that accurately reflect its true opinions, disclose all inherent conflicts of interest, and provide accurate financial advice. Claimant further alleged that Respondent intentionally and/or recklessly misrepresented and/or omitted material facts that were necessary to make informed investment decisions in the Claimant's portfolio. Additionally, Claimant alleged that Respondent participated in and/or aided in the publication of untrue statements of material fact or omission of material facts to the Claimant. Claimant also alleged that Respondent were in breach of their contract to engage in fair dealing with its clients. Claimant maintained that as a result of Respondent's actions, her account suffered financial losses.

Claim Data

Claim: \$7,171.00

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 attorney fees are denied. 3) 4) All requests for interest are denied. 5) All other relief requests are denied. 6) NASD Dispute Resolution shall retain the \$325.00 filing fee that the Claimant deposited previously.

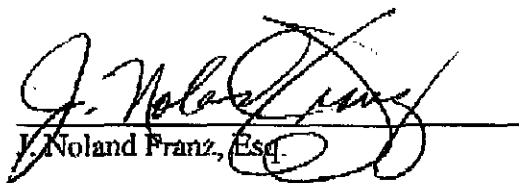
OTHER FEES: Pursuant to Rule 10333 of the Code, Respondent Merrill Lynch, Pierce, Fenner & Smith, Inc. has paid to NASD Dispute Resolution the \$325.00 Member Surcharge previously invoiced.

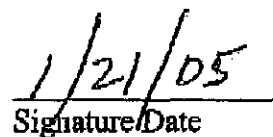
ARBITRATOR

J. Noland Franz, Esq. - Sole Public Arbitrator

AFFIRMATION

I, J. Noland Franz, 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.


J. Noland Franz, Esq.


Signature/Date

February 2, 2005
Date of Service (For NASD-DR office use only)