

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 04-02521

Conrad Mershon, Janet M. Mershon and Turbines Int'l, Claimants v. Merrill Lynch, Pierce, Fenner & Smith, Inc., Respondent

ATTORNEYS:

For Claimants, Conrad Mershon, Janet M. Mershon and Turbines Int'l, ("collectively Claimants"), appeared Eddie Easa Farah, Esq., of the firm Farah, Farah & Abbott, P.A., Jacksonville, FL.

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

NATURE OF DISPUTE: Customers vs. Member.

DATE FILED: April 6, 2004.

CASE SUMMARY: Claimants 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. Claimants further alleged that Respondent intentionally and/or recklessly misrepresented and/or omitted material facts that were necessary to make informed investment decisions in the Claimants' portfolio. Additionally, Claimants alleged that Respondent participated in and/or aided in the publication of untrue statements of material fact or omission of material facts to the Claimants. Claimants also alleged that Respondent were in breach of their contract to engage in fair dealing with its clients. Claimants maintained that as a result of Respondent's actions, their account suffered financial losses.

Claim Data

Claim: \$24,945.00
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 Claimants are dismissed in their entirety. 2) All requests for punitive damages are denied. 3) All requests for attorney fees are denied. 4) All requests for interest are denied. 5) All other relief requests are denied. 6) NASD Dispute Resolution shall retain the \$425.00 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 \$425.00 Member Surcharge previously invoiced.

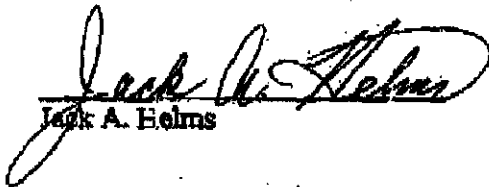
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ARBITRATOR

Jack A. Helms - Sole Public Arbitrator

AFFIRMATION

I, Jack A. Helms, 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.


Jack A. Helms

2/17/2005
Signature Date

February 24, 2005
Date of Service (For NASD-DR office use only)