

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

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CASE: 04-02524

Albert A. Benedetto and Constance Benedetto, Claimants v. Merrill Lynch, Pierce, Fenner & Smith, Inc., Respondent.

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**ATTORNEYS:**

For Claimants Albert A. Benedetto and Constance Benedetto (collectively "Claimants") appeared Eddie Easa Farah, Esq., of the firm Farah, Farah & Abbott, P.A., Jacksonville, FL.

For Respondent Merrill Lynch, Pierce, Fenner & Smith, Inc. ("Respondent") appeared Julie W. Portera, Esq., of the firm Maynard, Cooper & Gale, P.C., Birmingham, AL.

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

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**DATE FILED:** April 7, 2004.

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**CASE SUMMARY:** Claimants alleged that 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 that Respondent breached its fiduciary duty, committed fraud, negligence and negligent misrepresentation, and violated Blue Sky Laws. Claimants' claim involved Cisco Systems, AOL Time Warner and the Merrill Lynch Global Technology Fund securities.

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**Claim Data**

Claim: \$21,435.73  
Interest: Unspecified  
Attorney Fees: Unspecified  
Filing Fees: Unspecified  
Other: Unspecified

**Award Data**

Award: \$.00  
Interest: \$.00  
Attorney Fees: \$.00  
Filing Fees: \$0.00  
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 Claimant are dismissed in their entirety. 2) All requests for interest are denied. 3) All requests for attorney fees are denied. 4) All other relief requests are denied. 5) The arbitrator waived the \$300.00 Hearing Session Deposit. 6) The Claimant shall pay NASD Dispute Resolution \$62.50, or one-half of the filing fees. 7) The Respondent shall pay NASD Dispute Resolution \$62.50, or one-half of the filing fees.

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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

Maurice M. Feller, Esq. - Sole Public Arbitrator

AFFIRMATION

I, Maurice M. Feller, 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.

  
Maurice M. Feller, Esq.

12-17-04  
Signature Date

January 11, 2005  
Date of Service (For NASD-DR office use only)