

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 04-02579

Betty J. Giwa Trust and Betty J. Giwa IRA, Claimants v. Merrill Lynch, Pierce, Fenner & Smith, Inc. and Christopher Vining, Respondents

ATTORNEYS:

Claimants Betty J. Giwa Trust and Betty J. Giwa IRA collectively ("Claimants") appeared *pro se*, through Betty J. Giwa, Bradenton, FL.

For Respondents Merrill Lynch, Pierce, Fenner & Smith, Inc. and Christopher Vining collectively ("Respondents") appeared Craig R. Glasser, Esq., of the firm Baritz & Colman, LLP, Boca Raton, FL.

NATURE OF DISPUTE: Customers v. Member and Associated Person.

DATE FILED: April 8, 2004.

CASE SUMMARY: Claimants alleged that Respondents were negligent in handling her accounts and placed her in investments that were unsuitable to her investment needs and objectives. Claimants maintained that due to Respondents' actions, her accounts suffered losses. Claimants' claim involved Massachusetts Investors, Alliance Growth, and Lazard International Equity.

Claim Data

Claim: \$25,000.00
Cost: Unspecified
Filing Fees: Unspecified

Award Data

Award: \$.00
Cost: \$.00
Filing Fees: \$212.50

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 other relief requests are denied. 3) NASD Dispute Resolution shall retain the \$425.00 filing fee that the Claimant deposited previously. 4) Respondents are jointly and severally liable and shall pay Claimant \$212.50 as reimbursement of one-half of the filing fee.

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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Award 04-02579

Thomas H. McAvoy

Sole Public Arbitrator

AFFIRMATION

I, Thomas H. McAvoy, 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.

Thomas H. McAvoy
Thomas H. McAvoy

Nov 1, 2004
Signature Date

November 3, 2004
Date of Service (For NASD-DR office use only)