

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 04-02581

Anna C. Fisher Trust, Claimant v. Merrill Lynch, Pierce, Fenner & Smith, Inc., Respondent

ATTORNEYS:

For Claimant Anna C. Fisher Trust ("Claimant") appeared Richard Lantinberg, Esq., of the firm Cooper Ridge & Lantinberg, Jacksonville, FL.

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

NATURE OF DISPUTE: Customer vs. Member.

DATE FILED: April 8, 2004.

CASE SUMMARY: Claimant 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 AOL Time Warner, Cisco Systems, Inc. and JDS Uniphase stock.

Claim Data

Claim: \$22,573.00
Interest: \$.00
Attorney Fees: \$.00
Filing Fees: \$.00
Other: \$.00

Award Data

Award: \$.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 attorney fees are denied. 3) All requests for interest are denied. 4) All other relief requests are denied. 5) NASD Dispute Resolution administratively waived the \$425.00 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.

NASD REGULATION

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ARBITRATOR

Gerald Silverman, Esq. - Sole Public Arbitrator

AFFIRMATION

I, Gerald Silverman, 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.

Gerald Silverman
Gerald Silverman, Esq.

12/15/04
Signature Date

December 15, 2004
Date of Service (For NASD-DR office use only)