

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 04-02609

Lee Eddie Williams (Claimant) v. Merrill Lynch, Pierce, Fenner & Smith, Inc. (Respondent)

ATTORNEYS:

For Claimant Lee Eddie Williams ("Claimant") appeared Wm. Jemison Mims, Jr., Esq., of the firm Levin, Papantonio, Thomas, Mitchell, Echsner & Proctor, P.A., Pensacola, FL.

For Respondent Merrill Lynch, Pierce, Fenner & Smith, Inc. ("Respondent") appeared Andrea Morgan Greene, 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 Respondent provided Claimant with fraudulent analyst reports, which recommended the purchase of, and set target prices for the common stock of companies without any reasonable factual basis. Claimant further alleged breach of fiduciary duty, fraud, negligent misrepresentation, negligence, violation of Blue Sky laws, and breach of contract. Claimant maintained that due to Respondent's actions, his account suffered losses. Claimant's claim involved shares of Cisco Systems, Inc., EMC Corporation Mass, AOL Time Warner, Inc., Ebay Inc., and Tyco Intl Ltd New.

Claim Data

Claim: \$10,638.60
Punitive: Unspecified
Interest: Unspecified
Attorney Fees: Unspecified
Filing Fees: Unspecified
Other: Unspecified

Award Data

Award: \$0.00
Punitive: \$0.00
Interest: \$0.00
Attorney Fees: \$0.00
Filing Fees: \$0.00
Other: \$0.00

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 interest are denied. 4) All requests for attorney fees 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 has paid to NASD Dispute Resolution the \$425.00 Member Surcharge previously invoiced.

OTHER ISSUES: The Arbitrator stated that the motions filed by the parties are moot.

Page Two
Award 04-02609

ARBITRATOR

Howard W. Shannon - Sole Public Arbitrator

AFFIRMATION

I, Howard W. Shannon, 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.


Howard W. Shannon


Signature Date

April 25, 2005
Date of Service (For NASD-DR office use only)