

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 04-03051

Ron W. Campbell, Claimant v. Merrill Lynch, Pierce, Fenner & Smith, Inc., Respondent

ATTORNEYS:

For Claimant Ron W. Campbell ("Claimant") appeared Celeste M. Chiaramonte, Esq., of the firm Woska & Hayes, LLP, Kingwood, TX.

For Respondent Merrill Lynch, Pierce, Fenner & Smith, Inc. ("Respondent") appeared Alan M. Wolper, Esq., of the firm Sutherland, Asbill & Brennan, LLP, Atlanta, GA.

NATURE OF DISPUTE: Customer vs. Member.

DATE FILED: April 27, 2004.

CASE SUMMARY: Claimant alleged that Respondent recommended unsuitable investments that were highly concentrated in equities, and as a result, failed to adequately diversify Claimant's portfolio. Claimant further alleged that the recommendations were made in violation of NASD Rules 2110 and 2310. Claimant additionally alleged control person liability, breach of fiduciary duty, breach of contract, violation of the "Know Your Customer" rule, failure to supervise, and violations of state and federal securities laws. Claimant maintained that due to Respondent's actions, Claimant suffered losses. Claimant's claim involved common stock.

Claim Data

Claim: \$18,000.00
Punitive: Unspecified
Interest: \$3,600.00
Attorney Fees: \$8,100.00
Filing Fees: \$575.00
Costs: \$1,500.00
Other: Unspecified

Award Data

Award: \$0.00
Punitive: \$0.00
Interest: \$0.00
Attorney Fees: \$0.00
Filing Fees: \$212.50
Costs: \$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. 7) Respondent is 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 has paid to NASD Dispute Resolution the \$425.00 Member Surcharge previously invoiced.

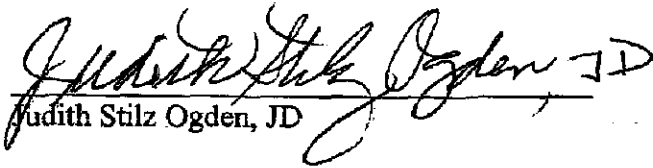
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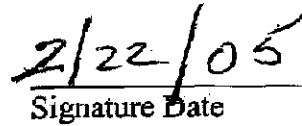
Judith Stilz Ogden, JD

Sole Public Arbitrator

AFFIRMATION

I, Judith Stilz Ogden, JD, 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.


Judith Stilz Ogden, JD


Signature Date

March 11, 2005

Date of Service (For NASD-DR office use only)