

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 04-05622

Mary Holland (Claimant) v. Merrill Lynch, Pierce, Fenner & Smith, Inc. (Respondent)

ATTORNEYS:

For Claimant Mary Holland ("Claimant") appeared Gregory Tendrich, Esq., of the Law Office of Gregory Tendrich, P.A., Boynton Beach, FL.

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: August 9, 2004.

CASE SUMMARY: Claimant alleged that Respondent placed her in investments that were unsuitable to her age, needs, and investment objectives. Claimant maintained that due to Respondent's actions, her account suffered losses. Claimant's claim involved common stock and mutual funds.

Claim Data

Claim: \$25,000.00
Interest: Unspecified
Attorney Fees: Unspecified
Filing Fees: \$.00
Other: Unspecified

Award Data

Award: \$25,000.00
Interest: \$0.00
Attorney Fees: \$10,000.00
Filing Fees: \$425.00
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) Respondent is liable for and shall pay to Claimant \$25,000.00. 2) Respondent is liable for and shall pay to Claimant attorney fees in the amount of \$10,000.00 in accordance with Florida Statute 517.211. 3) All requests for interest are denied. 4) All other relief requests are denied. 5) NASD Dispute Resolution shall retain the \$425.00 filing fee that the Claimant deposited previously. 6) Respondent is liable and shall pay Claimant \$425.00 as reimbursement 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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ARBITRATOR

Mitchell A. Yelen, Esq. - Sole Public Arbitrator

AFFIRMATION

I, Mitchell A. Yelen, 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.

Mitchell A. Yelen Esq.
Mitchell A. Yelen, Esq.

04/26/05
Signature Date

May 2, 2005
Date of Service (For NASD-DR office use only)