

**NASD DISPUTE RESOLUTION AWARD**  
**NASD DISPUTE RESOLUTION**

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CASE: 04-07935

June Sagoskin (Claimant) v. Merrill Lynch, Pierce, Fenner & Smith, Inc. (Respondent)

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**ATTORNEYS:**

For Claimant June Sagoskin ("Claimant") appeared Adam M. Green, Esq., of the firm Anapol, Schwartz, Weiss, Cohan, Feldman and Smalley, P.C., Philadelphia, PA.

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

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**NATURE OF DISPUTE:** Customer vs. Member.

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**DATE FILED:** November 16, 2004.

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**CASE SUMMARY:** Claimant alleged that Respondent misrepresented information and provided false analyst reports regarding ICGE stock. Claimant further alleged negligence, failure to supervise, fraud, breach of fiduciary duty, breach of contract, and violation of Pennsylvania's Unfair Trade Practices and Consumer Protection Law. Claimant maintained that due to Respondent's actions, her accounts suffered losses. Claimant's claim involved shares of ICGE common stock.

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**Claim Data**

Claim: \$19,805.00  
Attorney Fees: Unspecified  
Filing Fees: Unspecified  
Other: Unspecified

**Award Data**

Award: \$0.00  
Attorney Fees: \$0.00  
Filing Fees: \$212.50  
Other: \$0.00

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**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 other relief requests are denied. 4) NASD Dispute Resolution shall retain the \$425.00 filing fee that the Claimant deposited previously. 6) Respondent is liable and shall pay Claimant \$212.50 as reimbursement of one-half of the filing fee.

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**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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**OTHER ISSUES:** All motions filed by Respondent are denied.

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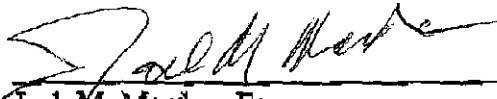
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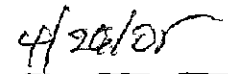
Jack M. Marden, Esq.

Sole Public Arbitrator

AFFIRMATION

I, Jack M. Marden, 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.

  
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Jack M. Marden, Esq.

  
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Signature Date

May 13, 2005

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