

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 04-07954

Suzanne Lacey, (Claimant) vs. Merrill Lynch, Pierce, Fenner & Smith, Inc., (Respondent)

ATTORNEYS:

Claimant appeared pro se, Folsom, CA.

For Respondent appeared in-house counsel Brett D. Sherman, Esq., New York, NY.

NATURE OF DISPUTE: Customer vs. Member

DATE FILED: November 9, 2004

CASE SUMMARY: Claimant alleged that Respondent placed her in investments, which were unsuitable for her needs. Claimant further alleged negligence, breach of fiduciary duty, unauthorized trading and omission of facts. Claimant maintained that due to Respondent's actions, she suffered a financial loss. Claimant's claim involved various mutual funds.

Claim Data

Claim: \$15,137.00
Punitive: \$5,000.00
Filing Fees: Unspecified

Award Data

Award: \$.00
Punitive: \$.00
Filing Fees: \$212.50

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 other relief requests are denied. 4) NASD Dispute Resolution shall retain the \$425.00 filing fee that the Claimant deposited previously. 5) 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.

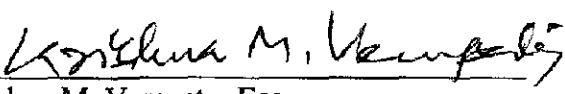
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Award 04-07954

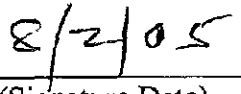
Krishna M. Vempaty, Esq.

Sole Public Arbitrator

AFFIRMATION

I, Krishna M. Vempaty, Esq., do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein, and who executed this instrument, which is my award.


Krishna M. Vempaty, Esq.


(Signature Date)

August 11, 2005

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