

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

---

CASE: 04-07999

Richard Zuckerman and Vanna Zuckerman, (Claimants) vs. Merrill Lynch, Pierce, Fenner & Smith, Inc., (Respondent)

---

**ATTORNEYS:**

Claimants appeared pro se, Miami, FL.

For Respondent appeared Andrea Morgan Greene, Esq., of the firm Maynard, Cooper & Gale, P.C., Birmingham, AL.

---

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

---

**DATE FILED:** November 16, 2004

---

**CASE SUMMARY:** Claimants alleged that Respondent failed to disclose material facts and produced misleading analyst reports regarding Tyco stocks. Claimants further alleged breach of fiduciary duty, omission of facts and negligence. Claimants maintained that due to Respondent's actions, they suffered financial losses. Claimants' claim involved common stock, including Tyco International Limited.

---

**Claim Data**

Claim: \$11,121.67

Interest: \$3,112.88

Filing Fees: Unspecified

Other: Unspecified

**Award Data**

Award: \$5,493.33

Interest: 6% per annum from 1/1/02-7/1/05.

Filing Fees: \$212.50

Other: \$.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 and shall pay to the Claimants \$5,493.33. 2) Respondent is liable and shall pay Claimants interest at the rate of 6% per annum from January 1, 2002 until July 1, 2005. 3) All other relief requests are denied. 4) NASD Dispute Resolution shall retain the \$425.00 filing fee that the Claimants deposited previously. 5) Respondent is liable and shall pay Claimants \$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.

---

Page Two  
Award 04-07999

David Maron Glassman, DDS

Sole Public Arbitrator

AFFIRMATION

I, David Maron Glassman, DDS, 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.



David Maron Glassman, DDS

8/6/05  
(Signature Date)

AUGUST 15, 2005

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