

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

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CASE: 05-00158

Gail H. Sanders, (Claimant) vs. Merrill Lynch, Pierce, Fenner & Smith, Inc., (Respondent)

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**ATTORNEYS:**

Claimant appeared pro se, Elkridge, MD.

For Respondent appeared Bradley B. Rounsaville, 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:** January 10, 2005

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**CASE SUMMARY:** Claimant alleged that Respondent failed to adequately supervise its analyst in the research of Tyco International Ltd., issued reports omitting material facts and breached its fiduciary duty. Claimant maintained that due to Respondent's actions, her account suffered a loss. Claimant's claim involved various common stocks.

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**ARBITRATOR'S REPORT:** Respondent's Motion to Exclude Prior Arbitration Panel Decisions was sufficiently distinguishing; such that Claimant's submission of Friedman v. Merrill Lynch was not persuading.

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**Claim Data**

Claim: \$16,778.00  
Interest: \$2,020.00  
Filing Fees: \$.00

**Award Data**

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

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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 interest 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.

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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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Award 05-00158

Paul A. Yates

Sole Public Arbitrator

AFFIRMATION

I, Paul A. Yates, 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.

Paul A. Yates  
Paul A. Yates

July 1, 2005  
(Signature Date)

July 13, 2005  
Date of Service (For NASD-DR office use only)