

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 05-01710

William F. Kolbe, (Claimant) vs. Merrill Lynch, Pierce, Fenner & Smith, Inc.,
(Respondent)

ATTORNEYS:

Claimant appeared pro se, Village of Golf, FL.

For Respondent appeared in-house counsel H. Kyeng Lee, Esq., New York, NY.

NATURE OF DISPUTE: Customer vs. Member

DATE FILED: March 29, 2005

CASE SUMMARY: Claimant alleged that Respondent breached his contract and fiduciary duty. Claimant further alleged mark ups and errors on trades and execution prices. Claimant maintained that due to Respondent's actions, he suffered a financial loss. Claimant's claim involved corporate bonds and annuities.

Claim Data

Claim: \$11,678.00
Punitive: \$11,678.00
Interest: Unspecified

Filing Fees: Unspecified

Award Data

Award: \$9,972.00
Punitive: \$.00
Interest: at the Florida
statutory rate from 5/1/01 -
payment of Award.
Filing Fees: \$425.00

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 Claimant \$9,972.00. 2) Respondent is liable and shall pay Claimant interest at the Florida statutory rate from May 1, 2001 until date of payment of award. 3) All requests for punitive damages 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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Bernard S. Carrey, Esq.

Sole Public Arbitrator

AFFIRMATION

I, Bernard S. Carrey, 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.


Bernard S. Carrey, Esq.


(Signature Date)


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