

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 05-01863

Robert A. Roth, (Claimant) vs. Merrill Lynch, Pierce, Fenner & Smith, Incorporated,
(Respondent)

ATTORNEYS:

For Claimant appeared Anthony Hearn, Yardville, NJ.

For Respondent appeared in-house counsel Stuart T. Rebish, Esq., New York, NY.

NATURE OF DISPUTE: Customer vs. Member

DATE FILED: April 6, 2005

CASE SUMMARY: Claimant alleged that Respondent made unauthorized trades in his account. Claimant further alleged breach of fiduciary duty and suitability. Claimant maintained that due to Respondent's actions, he suffered a financial loss. Claimant's claim involved various mutual funds and common stock.

Claim Data

Claim: \$25,000.00

Filing Fees: Unspecified

Award Data

Award: \$.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 the Claimant are dismissed in their entirety. 2) All other relief requests are denied. 3) NASD Dispute Resolution shall retain the \$425.00 filing fee that the Claimant deposited previously. 4) Respondent 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 05-01863

Ellen R. Buxbaum, Esq.

Sole Public Arbitrator

AFFIRMATION

I, Ellen R. Buxbaum, 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.



Ellen R. Buxbaum, Esq.,

9/7/05

(Signature Date)

Sept 14, 2005

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