

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 06-01135

Edward Giacomelli, (Claimant) vs. Merrill Lynch, Pierce, Fenner & Smith, Inc.,
(Respondent)

ATTORNEYS:

Claimant appeared *pro se*, Monroe Township, NJ.

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

NATURE OF DISPUTE: Customer vs. Member

DATE FILED: March 1, 2006

CASE SUMMARY: Claimant alleged that Respondent misrepresented and omitted material facts regarding investments in his account. Claimant further alleged breach of fiduciary duty and suitability. Claimant maintained that due to Respondent's actions, he suffered financial losses. Claimant's claim involved various common stock.

Claim Data

Claim: \$25,000.00
Interest: Unspecified
Filing Fees: Unspecified
Other: Unspecified

Award Data

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

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 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.

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 06-01135

Jack Friedman, Esq.

Sole Public Arbitrator

AFFIRMATION

I, Jack Friedman, 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.



Jack Friedman, Esq.

SEPT. 20, 2006
(Signature Date)

October 3, 2006
Date of Service (For NASD-DR office use only)