

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 06-01469

John N. Montalbano, (Claimant) vs. Merrill Lynch, Pierce, Fenner & Smith, Inc.,
(Respondent)

ATTORNEYS:

Claimant appeared *pro se*, Rocky Hill, CT.

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

NATURE OF DISPUTE: Customer vs. Member

DATE FILED: March 21, 2006

CASE SUMMARY: Claimant alleged that Respondent placed him in investments that were unsuitable for his needs. Claimant further alleged breach of contract. Claimant maintained that due to Respondent's actions, he suffered a financial loss. Claimant's claim involved various mutual funds.

Claim Data

Claim: \$25,000.00
Filing Fees: \$.00

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 is liable and 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.

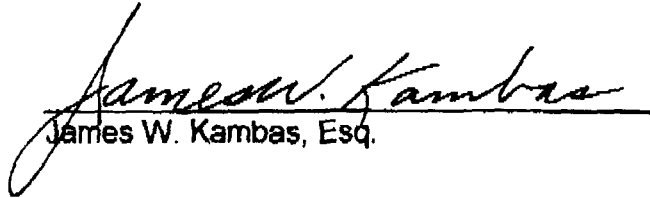
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Award 06-01469

James W. Kambas, Esq.
Arbitrator

Sole Public

AFFIRMATION

I, James W. Kambas, 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.


James W. Kambas, Esq.

10/3/2006
(Signature Date)

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