

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

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CASE: 06-02317

Brad and Shawn Stanton, (Claimants) vs. Merrill Lynch, Pierce, Fenner & Smith, Inc.,  
(Respondent)

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**ATTORNEYS:**

Claimants appeared *pro se*, Austin, TX.

For Respondent appeared in-house counsel, Harry B. Frisch, Esq., New York, NY.

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NATURE OF DISPUTE: Customers vs. Member

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DATE FILED: May 8, 2006

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CASE SUMMARY: Claimants alleged that Respondent added unauthorized fees to their account. Claimants further alleged breach of contract, misrepresentation and non-disclosure. Claimants maintained that due to Respondent's actions, they suffered a financial loss. Claimants' claim did not specify any securities products.

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**Claim Data**

Claim: \$2,112.45  
Interest: Unspecified  
Other: \$1,000.00  
Filing Fees: \$.00

**Award Data**

Award: \$.00  
Interest: \$.00  
Other: \$.00  
Filing Fees: \$87.50

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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 the Claimants 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 \$175.00 filing fee that the Claimant deposited previously. 5) Respondent is liable and shall pay Claimant \$87.50 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 \$200.00 Member Surcharge previously invoiced.

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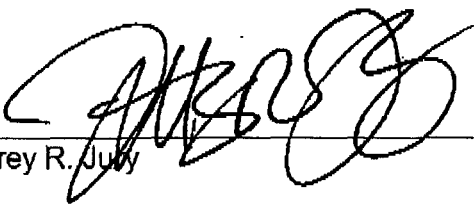
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Award 06-02317

Jeffrey R. Jury

Sole Public Arbitrator

AFFIRMATION

I, Jeffrey R. Jury, 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.

  
Jeffrey R. Jury

12/21/06  
(Signature Date)

December 28, 2006  
Date of Service (For NASD-DR office use only)