

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Richard M. Evans

Claimant(s)

vs.

Linda Barlow and Merrill Lynch,  
Pierce, Fenner & Smith, Inc.

Respondent(s)

NOTICE OF ARBITRATION  
AWARD  
89-01078

CASE SUMMARY

Claimant(s) Richard M. Evans alleged that Respondent(s) Linda Barlow and Merrill Lynch, Pierce, Fenner & Smith, Inc. misrepresented the fee charged in connection with the purchase of certain securities and did not invest Claimant's funds in accordance with Claimant's investment objective. Respondent(s) maintain that the sales charges and type of investments were thoroughly and properly discussed with Claimant.

RELIEF REQUESTED

Claimant(s) Richard M. Evans requested damages of Four Thousand Two Hundred Fifty Four Dollars and Ninety-Eight Cents (\$4,254.98). Respondent(s) requested dismissal of claim and costs.

AWARD

Pursuant to Section 13 of the NASD, Inc. Code of Arbitration Procedure ("Simplified Arbitration") a single arbitrator, Ronee C. McLaughlin, Esq., was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant(s) on March 29, 1989 and by Respondent(s) on July 28, 1989, respectively;

And, that the Arbitrator, having considered the proofs of the Parties, including any additional documentary submissions of the Claimant(s) and the Respondents(s) has decided and determined in full and final resolution of the issue submitted for determination as follows:

That Respondent Barlow is liable and will pay to the Claimant the sum of Two Thousand One Hundred Twenty Seven Dollars and No Cents (\$2,127.00);

And, that the claim against Merrill Lynch, Pierce, Fenner & Smith, Inc. is dismissed.

The parties shall each bear their respective costs including attorney's fees.

The \$100.00 filing fee previously deposited with the NASD, Inc. by the Claimant(s) will be refunded to the Claimant by the Respondent Barlow.

October 31, 1989