

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Paul A. Breslin

Claimant(s)

vs.

Merrill Lynch Pierce Fenner &  
Smith, Inc.

Respondent(s)

NOTICE OF ARBITRATION  
AWARD  
89-01211

CASE SUMMARY

Claimant Paul A. Breslin alleged that Respondent Merrill Lynch Pierce Fenner & Smith, Inc. manipulated his account and made unauthorized trades. Respondent maintains that there was no manipulation of Claimants funds and that Claimant received the interest and principal payments for his trust investment that he was entitled to.

RELIEF REQUESTED

Claimant Paul A. Breslin requested damages of Three Thousand Dollars and No Cents (\$3,000.00). Respondent requested dismissal of claim and costs.

AWARD

Pursuant to Section 13 of the NASD, Inc. Code of Arbitration Procedure ("Simplified Arbitration") a single arbitrator, H. Victor Schwimmer Esq., was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on June 7, 1989 and by Respondent on July 19, 1989. The Arbitrator, having considered the proofs of the parties, has determined in full and final resolution of the issue submitted for determination as follows:

The Claim of the Claimant is hereby dismissed in all respects.

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 shall be retained by the NASD as costs of this proceeding.

September 13, 1989