

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimants

Marion L. and Arlene D. Martin, ind/ttee

93-03180

Name of Respondents

Merrill Lynch, Pierce, Fenner & Smith, Inc.
Robert W. Orr

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on August 13, 1993, Claimants Marion L. and Arlene D. Martin, et al., through their representative, Brian Lowe of Investors Arbitration Services, Inc., Woodland Hills, CA, alleged that Respondent Merrill Lynch, Pierce, Fenner & Smith, Inc., through its registered representative, Respondent Robert Orr, made unsuitable recommendations and misleading statements with the intent to defraud and deceive Claimants when Claimants were convinced to purchase JMB Limited Partnerships. The Claimants further alleged that Respondents knowingly and recklessly made recommendations and representations that acted as fraud upon Claimants and induced them to investing in inappropriate, unsuitable investments which were inconsistent with their investment objectives. The Claimants contended that due to the wrongdoing of the Respondents, they have suffered damages for which the Respondents should be held liable.

Respondents Merrill Lynch, Pierce, Fenner & Smith, Inc. and Robert W. Orr, through their in-house counsel, Christopher Cavuoti, Esq., New York, NY, maintained that the nature of the investment was clearly explained to the Claimants, and also that Claimants acknowledged receipt of a copy of the prospectus as well as stating that they were aware of the risks involved in making such an investment, and that they met all suitability requirements of this investment. The Respondents further maintained that they committed no wrongdoing, that they acted in a commercially reasonable manner, consistent with their obligations and responsibilities toward Claimants, and therefore the claims of the Claimants should be dismissed.

RELIEF REQUESTED

Claimants Marion L. and Arlene D. Martin, et al. requested \$9,625.00 in actual damages, plus pre-award and post-award interest, costs and consulting fees.

Respondents Merrill Lynch, Pierce, Fenner & Smith, Inc. and Robert W. Orr requested that the claims of the Claimants be dismissed.

AWARD

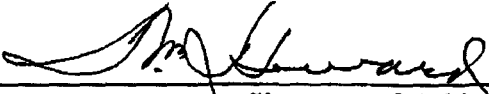
Pursuant to Section 13 of the NASD, Inc. Code of Arbitration Procedure, a single Public Arbitrator, William M. Howard, Esq., was selected to review the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimants on July 29, 1993 and October 4, 1993, by the Respondent Robert W. Orr on November 4, 1993 and by Respondent Merrill Lynch, Pierce, Fenner & Smith, Inc. on November 30, 1993.

And, the Arbitrator, having considered the proof of the parties, has decided and determined in full and final resolution of the issues submitted for determination as follows:

1. The claims of the Claimants Marion L. Martin, Arlene D. Martin and the IRA & Martin Family Trust, Marion L. & Arlene D. Martin, Trustees against Respondents Merrill Lynch, Pierce, Fenner & Smith, Inc. and Robert W. Orr are dismissed in their entirety.
2. The parties shall bear their respective costs.
3. The \$150.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimants shall be retained by the NASD, Inc. Respondent Merrill Lynch, Pierce, Fenner & Smith, Inc. is liable and shall pay \$150.00 to the Claimants as reimbursement of the filing fee.

AFFIRMATION

I, **WILLIAM M. HOWARD, ESQ.**, do hereby affirm upon my oath as arbitrator that I am the individual described herein and who executed this instrument, which is my oath and award.



Signature of Arbitrator

PLEASE DO NOT DATE
THE AWARD.
THANK YOU