

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between:

Jose Luis Peressini, (Claimant) vs. Merrill Lynch, Pierce, Fenner & Smith, Inc.,
and Cathy Hernandez (Respondents).

Case Number:
99-05025

Hearing Site:
Houston, Texas

REPRESENTATION OF PARTIES

Claimant, Jose Luis Peressini, hereinafter referred to as "Claimant": E. Link Beck, Esq., Beck & Given, El Paso, Texas.

Respondents, Merrill Lynch, Pierce, Fenner & Smith, Inc. ("Merrill Lynch") and Cathy Hernandez ("Hernandez"), hereinafter collectively referred to as "Respondents": Ralph M. Cursio, Esq., New York, New York (originally); Joseph L. Hood, Jr., Esq., Scott, Hulse, Marshall, Feuille, Finger & Thurmond, P.C., El Paso, Texas.

CASE INFORMATION

Statement of Claim filed on or about: December 3, 1999.

Claimant, (Peressini), signed the Uniform Submission Agreement: November 3, 1999.

Statement of Answer filed by Respondents, (Merrill Lynch and Hernandez), on or about: January 21, 2000.

Respondent, (Merrill Lynch), signed the Uniform Submission Agreement: January 20, 2000.

Respondent, (Hernandez), signed the Uniform Submission Agreement January 20, 2000.

CASE SUMMARY

Claimant asserted the following causes of action:

1. Negligence.
2. Breach of fiduciary duty.

Unless specifically admitted in its Answer, Respondents (Merrill Lynch and Hernandez) denied the allegations made in the Statement of Claim and asserted the following defenses:

1. Claimant is not entitled to punitive damages.
2. Claimant is not entitled to an award of attorney's fees.
3. Claimant entered and ratified all trades entered into his account.

RELIEF REQUESTED

Claimant requested:

Compensatory Damages	\$650,000
Punitive Damages	\$1,000,000
Interest	Unspecified
Attorneys' Fees	Unspecified
Other Costs	Unspecified

Respondents (Merrill Lynch and Hernandez) requested:

Other Costs	Unspecified
Other Monetary/Non-Monetary Relief if any:	Dismissal of the claim.

OTHER ISSUES CONSIDERED AND DECIDED

The parties have agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered.

AWARD

After considering the pleadings, the testimony and evidence presented at the hearing, and the post-hearing submissions (if any), the Arbitrator(Panel) has decided in full and final resolution of the issues submitted for determination as follows:

Amount awarded to Claimant as Compensatory damages: \$0

Amount awarded to Claimant as Interest or Percentage of Interest
Awarded: \$0

Amount awarded to Claimant as Punitive Damages: \$0

Amount awarded to Claimant as Attorney's Fees: \$0

Amount awarded to Claimant as costs: \$0

Any and all relief not specifically addressed herein, is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution, Inc. will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee = \$500

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. In this matter, the member firm is Respondent (Merrill Lynch), a party / the Respondent Hernandez's firm.

Member surcharge = \$2,500

Pre-hearing process fee = \$600

Hearing process fee = \$4,500

Forum Fees and Assessments

The Arbitration Panel assesses forum fees for each hearing session conducted. A hearing session is any meeting between the parties and the arbitrator(s), including a pre-hearing conference with the arbitrator(s), that lasts four (4) hours or less. Fees associated with these proceedings are:

Two (2) Pre-hearing sessions with Panel x \$1,200 = \$2,400

Pre-hearing conference: June 8, 2000
September 7, 2000 2 sessions

Two (2) Hearing sessions x \$1,200 = \$2,400

Hearing Dates: October 4, 2000 2 sessions

Total Forum Fees = \$4,800

1. The Arbitration Panel assessed \$4,800
= of the forum fees to Claimant (Peressini).

Fee Summary

1. Claimant, (Peressini), be and hereby is solely liable for:

Initial Filing Fee = \$ 500

Forum Fees = \$4,800

Total Fees = \$5,300

Less payments = \$1,700

Balance Due NASD Dispute Resolution, Inc. = \$3,600

NASD Dispute Resolution, Inc. :
Arbitration Award No. 99-05025 :
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2. Respondent, (Merrill Lynch), be and hereby is solely liable for:

<u>Member Fees</u>	= \$7,600
<u>Total Fees</u>	= \$7,600
<u>Less payments</u>	= \$3,100
<u>Balance Due NASD Dispute Resolution, Inc.</u>	= \$4,500

All balances are due to NASD Dispute Resolution, Inc.

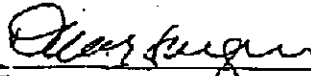
Concurring Arbitrators' Signature(s)

Jack Chapline Vaughan, Esq.
Presiding Chair

Signature Date

Walter F. Schleyer
Public Arbitrator

Signature Date


Dave Halgler, Esq.
Public Arbitrator

4/26/01 -- 12:45 PM
Signature Date

Date of Service: (For NASD Dispute Resolution, Inc. office use only)

2. Respondent, (Merrill Lynch), be and hereby is solely liable for:

<u>Member Fees</u>	= \$7,600
<u>Total Fees</u>	= \$7,600
<u>Less payments</u>	= \$3,100
<u>Balance Due NASD Dispute Resolution, Inc.</u>	= \$4,500

All balances are due to NASD Dispute Resolution, Inc.

Concurring Arbitrators' Signature(s)

Jack Chapline Vaughan
Jack Chapline Vaughan, Esq.
Presiding Chair

11-14-2000
Signature Date

Walter F. Schleyer
Public Arbitrator

Signature Date

Dave Haigler, Esq.
Public Arbitrator

Signature Date

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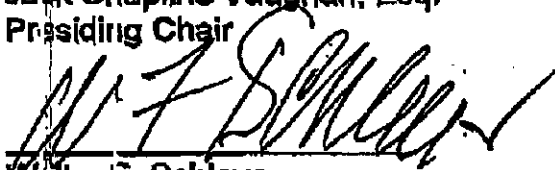
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Member Fees	= \$7,600
Total Fees	= \$7,600
Less payments	= \$3,100
Balance Due NASD Dispute Resolution, Inc.	= \$4,500

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Presiding Chair



Walter E. Schleyer
Public Arbitrator

Signature Date

11-14-2000

Signature Date

Dave Hailgler, Esq.
Public Arbitrator

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