

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION, INC.

CASE: 00-00466

Daniel Groobert, claimant vs. Dean Witter Reynolds, Inc., Andrew Balaban, Luis Fogel and Dawn Orr, respondents.

ATTORNEYS:

Claimant, Daniel Groobert, appeared Pro Se, Boca Raton, FL.

For Respondents, Dean Witter Reynolds, Inc., Andrew Balaban, Luis Fogel, and Dawn Orr, appeared Allison Barry Doneghey, Esq., Sarasota, FL.

DATE FILED: January 28, 2000

CASE SUMMARY: Claimant alleged that respondents failed to provide notice that discretionary account status had been denied. Claimant further alleges that respondents breached their fiduciary duty resulting in financial loss to the claimant.

Claim Data

Claim: \$5,003.84
Punitive: \$4,996.16
Filing Fees: \$575.00
Other: \$5,950.99

Award Data

Award: \$2,501.92
Punitive: \$.00
Filing Fees: \$287.50
Other: \$0.00

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) Respondent Morgan Stanley Dean Witter is liable and shall pay to the claimant \$2,501.92. 2) All claims against respondents Balaban, Fogel, and Orr are dismissed in their entirety. 3) All requests for punitive damages are denied. 4) All other relief requests are denied. 5) The \$575.00 filing fee previously deposited with NASD Dispute Resolution, Inc. by the claimant, shall be retained by NASD Dispute Resolution, Inc. 6) Respondent Morgan Stanley Dean Witter is liable and shall pay claimant \$287.50 as reimbursement of the filing fee. 7) The arbitrator recommends the expungement of all reference to the above captioned arbitration from Respondent Andrew Balaban, Lewis Fogel, and Dawn Orr's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notice to Members 00-09, Respondents Andrew Balaban, Luis Fogel, and Dawn Orr must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

OTHER FEES: Pursuant to Rule 10333 of the Code, respondent, Dean Witter Reynolds, has paid to NASD Dispute Resolution, Inc. the \$300.00 Member Surcharge previously invoiced.

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Award 00-00466

Jennifer G. Klein, CPA

Sole Public Arbitrator

AFFIRMATION

I, Jennifer Klein, 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.

Jennifer G. Klein
Jennifer G. Klein, CPA

6/28/01
Signature Date

August 7, 2001
Date of Service (for NASD office use only)