

**Award**  
**NASD Dispute Resolution**

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In the Matter of the Arbitration Between:

Morgan Stanley Dean Witter Online, Inc., Claimant v. Michael Ghani, Respondent

Case Number: 00-04157

Hearing Site: San Diego, California

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**REPRESENTATION OF PARTIES**

For Claimant:

Robert T. Sullwold, Esq.  
Sullwold & Hughes  
San Francisco, California

For Respondent:

Michael Ghani  
In Pro Se  
Rancho Cucamonga, California

**CASE INFORMATION**

Statement of Claim filed: September 18, 2000

Claimant's Uniform Submission Agreement signed: September 13, 2000

Statement of Answer filed by Respondent Michael Ghani: March 7, 2001

Respondent's Uniform Submission Agreement signed: March 7, 2001

**CASE SUMMARY**

Claimant alleged failure to pay debit balance.

Respondent denied the allegations of wrongdoing set forth in the Claimant's Statement of Claim.

**RELIEF REQUESTED**

Claimant requested compensatory damages in the sum of \$31,586.46, interest, and arbitration costs, including attorney's fees.

Respondent requested dismissal of the Claimant's Statement of Claim in its entirety.

**OTHER ISSUES CONSIDERED AND DECIDED**

Upon review of the file and the representations made on behalf of the Claimant, the undersigned Arbitrator determined that Respondent Michael Ghani was properly served with the Statement of Claim and received due notice of the hearing, and that arbitration of the matter would proceed without said Respondent present, in accordance with the NASD Code of Arbitration Procedure (the "Code").

**AWARD**

After considering the pleadings, testimony, and evidence presented at the hearing, and the post-hearing submission, the Arbitrator decided in full and final resolution of the issues submitted for determination as follows:

- 1) Respondent is liable to and shall pay Claimant \$36,057.12 in compensatory damages (\$31,586.46 plus \$4,470.66 in interest from June 2000 to July 2002).
- 2) Respondent is liable to and shall pay Claimant interest on the sum of \$36,057.12 at the rate of 10% per annum simple interest from date of the Award until paid in full.
- 3) Respondent is liable to and shall pay Claimant \$6,008.19 in attorney's fees, pursuant to customer agreement.
- 4) Except as noted above, the parties shall bear their respective costs, including attorney's fees.
- 5) All other relief requested and not expressly granted is denied.

### **FEES**

Pursuant to the Code, the following fees are assessed:

#### **Filing Fees**

NASD Dispute Resolution received or will collect the non-refundable filing fees for each claim as follows:

Initial claim filing fee	= \$ 1,000.00
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#### **Member Fees**

Member fees are assessed to each member firm that is either a party in the matter or an employer of a respondent associated person at the time of the events that gave rise to the dispute, claim, or controversy. Accordingly, the member firm Morgan Stanley Dean Witter Online, Inc. is a party and the following fees are assessed:

Member Surcharge	= \$ 800.00
Pre-Hearing Process Fee	= \$ 600.00
<u>Hearing Process Fee</u>	<u>= \$ 1,000.00</u>
<b>Total Member Fees</b>	<b>= \$ 2,400.00</b>

#### **Forum Fees and Assessments**

The Arbitrator assessed a forum fee for each pre-hearing conference or hearing session conducted. A pre-hearing conference and hearing session is any meeting between the parties and the Arbitrator. The following fees are assessed:

1 Pre-hearing conference session with the Arbitrator @ \$ 450.00/session	= \$ 450.00
Pre-hearing conference: July 6, 2001 1 session	
1 Hearing session @ \$ 450.00/session	= \$ 450.00
Hearing: July 22, 2002 1 session	
<b>Total Forum Fees</b>	<b>= \$ 900.00</b>

1. The Arbitrator assessed \$ 450.00 of the forum fees to Claimant Morgan Stanley Dean Witter Online, Inc.
2. The Arbitrator assessed \$ 450.00 of the forum fees to Respondent Michael Ghani.

**Fee Summary**

1. Claimant Morgan Stanley Dean Witter Online, Inc. is charged with the following fees and costs:

Initial Filing Fee	= \$ 1,000.00
Member Fees	= \$ 2,400.00
<u>Forum Fees</u>	= \$ 450.00
Total Fees	= \$ 3,850.00
<u>Less payments</u>	= \$(3,850.00)
<b>Balance Due NASD Dispute Resolution</b>	<b>= \$ 0.00</b>

2. Respondent Michael Ghani is charged with the following fees and costs:

<u>Forum Fees</u>	= \$ 450.00
<b>Balance Due NASD Dispute Resolution</b>	<b>= \$ 450.00</b>

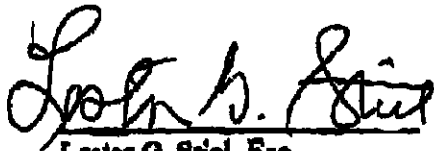
All balances are payable to NASD Dispute Resolution and are due upon the receipt of the Award pursuant to Rule 10330(g) of the Code.

**ARBITRATOR**

Lester G. Stiel, Esq.

Public Arbitrator, Presiding Chair

**Arbitrator's Signature**



Lester G. Stiel, Esq.  
Chair, Public Arbitrator

Aug. 1, 2002  
Signature Date

August 1, 2002  
Date of Service