

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION, INC.

CASE: 00-05323

H. Joseph Chou, Claimant vs. Morgan Stanley Dean Witter and Mark Bergman, Respondents.

ATTORNEYS:

For Claimant, H. Joseph Chou, ("Claimant") appeared Edward W. Russey, III, Esq. of the firm Oswald & Yap, Irvine, CA .

Respondents Morgan Stanley Dean Witter and Mark Bergmann, (collectively "Respondents"), appeared through Douglas F. Stone, Esq., in-house counsel for Dean Witter Reynolds, Inc. New York, NY.

DATE FILED: December 1, 2000

CASE SUMMARY: Claimant alleged that Respondents breached their agreement and further breached their fiduciary duty to the Claimant by making unauthorized trades in his account that were unsuitable based on his background, investment experience, and his stated investment objectives. Claimant maintained that as a result of Respondents' actions, he suffered financial losses.

Claim Data

Claim: \$16,189.67
Punitive: unspecified
Interest: 10% from date of sale/purchase to date of award
Attorney Fees: \$2,000.00 plus 25% of award
Filing Fees: unspecified
Other: unspecified

Award Data

Award: \$.00
Punitive: \$.00
Interest: \$.00
Attorney Fees: \$.00
Filing Fees: \$.00
Other: \$.00

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) The claims of Claimant are dismissed in their entirety. 2) All requests for attorney fees are denied. 3) All requests for punitive damages are denied. 4) All requests for interest are denied. 5) All other relief requests are denied. 6) The \$425.00 filing fee previously deposited with NASD Dispute Resolution, Inc. by the Claimant, shall be retained by NASD Dispute Resolution, Inc.

OTHER FEES: Pursuant to Rule 10333 of the Code, Respondent, Morgan Stanley Dean Witter has paid to NASD Dispute Resolution, Inc. the \$400.00 Member Surcharge previously invoiced.

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Award 00-05323

Joyce S. Levinson

Sole Public Arbitrator

AFFIRMATION

I, Joyce S. Levinson, 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.


Joyce S. Levinson

7-6-01
Date of award

July 17, 2001
Date of Service (for NASD office use only)