

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between

Name of Claimant

Cuong Ba Le

Case No. 01-02205

Name of Respondent

Morgan Stanley DW Inc.

Hearing Site: Philadelphia, PA

REPRESENTATION OF PARTIES

Claimant, Cuong Ba Le ("Le"), hereinafter referred to as "Claimant": Ernest Sasso, Esq., Law Offices of Ernest Sasso, Blue Bell, Pennsylvania.

Respondent, Morgan Stanley Dean Witter ("Morgan Stanley"), hereinafter referred to as "Respondent": Richard Smith, Esq., Morgan Stanley Dean Witter, New York, New York.

CASE INFORMATION

Statement of Claim filed on: April 27, 2001

Claimant signed the Uniform Submission Agreement: May 22, 2001

Statement of Answer filed by Respondent on: July 19, 2001

Respondent signed the Uniform Submission Agreement: July 18, 2001

CASE SUMMARY

Claimant asserted the following causes of action: negligence; failure to exercise ordinary skill, care and knowledge; and, breach of fiduciary duty. The causes of action relate to the trading of public securities.

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim and asserted the following defenses, among others: Statement of Claim

fails to state a cause of action upon which relief may be granted; Respondent did not act with any intent to defraud or willful disregard, recklessness, willful or wanton misconduct; Respondent did not misrepresent or omit material facts; actions or inactions of Claimant caused the alleged losses; Respondent used requisite skill, care and knowledge; Claimant ratified the transactions; any and all duties owed to Claimant were fully and faithfully performed; Respondent had no fiduciary duty as a matter of law; and, Respondent did not act negligently.

RELIEF REQUESTED

Claimant requested:

Compensatory Damages	\$ 11,872.00
Interest	unspecified

Respondent requested dismissal of the Statement of Claim and costs of an unspecified amount.

AWARD

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

1. That Claimant Le's claim for compensatory damages is denied in its entirety;
2. That the parties shall bear their respective costs, including attorney's fees, except as fees are specifically addressed below; and,
3. That any and all claims for relief not specifically addressed herein are denied in their entirety.

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	= \$125.00
Hearing Session Deposit	= \$450.00

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 a party.

Member surcharge	= \$400.00
------------------	------------

Forum Fees and Assessments

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

One (1) Pre-hearing session with a single arbitrator x \$450.00 = \$450.00
Pre-hearing conference: January 23, 2002 1 session

One (1) Hearing session with single arbitrator x \$450.00 = \$450.00
Hearing Session: March 20, 2002 1 session

Total Forum Fees = \$900.00

The arbitrator has assessed \$675.00 of the forum fees to Claimant Le.

The arbitrator has assessed \$225.00 of the forum fees to Respondent Morgan Stanley.

Fee Summary

Claimant is assessed the following fees:

Initial Filing Fee = \$ 125.00
Forum Fees = \$ 675.00

Total Fees = \$ 800.00
Less payments = \$ 575.00

Balance Due NASD Dispute Resolution, Inc. = \$ 225.00

Respondent is assessed the following fees:

Member Fees = \$ 400.00
Forum Fees = \$ 225.00

Total Fees = \$ 625.00
Less payments = \$ 400.00

Balance Due NASD Dispute Resolution, Inc. = \$ 225.00

ARBITRATION PANEL

Gail Noel

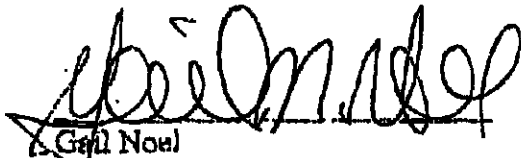
-

Public Arbitrator, Presiding Arbitrator

Arbitration No. 01-02205

Award Page 4

Concurring Arbitrator's Signature



Gill Noel

Public Arbitrator, Presiding Arbitrator

4/26/02
Signature Date

4/26/02

Date of Service (For NASD-Dispute Resolution office use only)