

**Stipulated Award
NASD Dispute Resolution**

In the Matter of the Arbitration Between:

Roxanne G. Salsman, Claimant

Case Number: 01-02558

v.

Morgan Stanley DW, Inc. and Lanny S. Rominger,
Respondents

Hearing Site: Albuquerque, New Mexico

NATURE OF THE DISPUTE

Customer vs. Member Firm and Associated Person

REPRESENTATION OF PARTIES

Claimant, Roxanne G. Salsman ("Salsman"), hereinafter referred to as "Claimant": Thomas J. Schuchert, Esq., located in Jackson, New Jersey.

Respondents, Morgan Stanley DW, Inc. ("Morgan Stanley") and Lanny S. Rominger ("Rominger"), hereinafter collectively referred to as "Respondents": Anne T. Cooney, Esq. of Morgan Stanley DW, Inc., located in San Francisco, California. Jonathan D. Robbins, Esq. of Morgan Stanley DW, Inc. later filed his appearance on behalf of Respondents Morgan Stanley and Rominger.

CASE INFORMATION

Statement of Claim filed on or about May 15, 2001. Claimant Salsman signed the Uniform Submission Agreement on May 9, 2001.

Statement of Answer filed by Respondents Morgan Stanley and Rominger on or about July 9, 2001. Respondents Morgan Stanley and Rominger did not submit a signed the Uniform Submission Agreement.

On April 16, 2004, Respondents Morgan Stanley and Rominger filed a Motion to Dismiss. Claimant did not file a Response.

CASE SUMMARY

Claimants asserted the following causes of action: breach of fiduciary duty, breach of contract, negligence, churning and unsuitability.

Unless specifically admitted in its Answer, Respondents Morgan Stanley and Rominger denied the allegations made in the Statement of Claim and asserted the following defenses: failure to state a claim; consent; ratification; indemnification; failure to exercise due diligence; failure to mitigate; and statute of limitations.

RELIEF REQUESTED

Claimants requested \$1,000,000.00 in compensatory damages; \$3,000,000.00 in punitive damages; attorney's fees; and costs.

Respondents Morgan Stanley and Rominger requested dismissal of all claims in their entirety.

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.

A telephonic pre-hearing conference was held before the full Panel on May 3, 2004 to hear arguments on Respondents' Motion to Dismiss. The Panel denied Respondents' Motion.

AWARD

After considering the parties' submissions and representations, but without making any findings of fact or conclusions of law, the undersigned arbitrators order as follows:

- 1.) The panel recommends the expungement of all reference to the above captioned arbitration from Respondent Lanny S. Rominger's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notice to Members 99-09, Respondent Rominger must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.
- 2.) Parties shall each pay their own costs and attorney's fees.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

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

Initial claim filing fee = \$600.00

Adjournment Fees

Adjournments requested during these proceedings:

November 4-6, 2003, adjournment by Respondents Morgan Stanley and Rominger = \$1,200.00
(waived by Panel)

March 17-19, 2004, adjournment by Claimant Salsman = \$1,200.00
(waived by Panel)

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm that employed the associated person at the time of the events giving rise to the dispute. In this matter, the member firm is a party.

Member surcharge	= \$2,500.00
Pre-hearing process fee	= \$ 600.00
Hearing process fee	= \$4,500.00

Forum Fees and Assessments

The 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 arbitrators, that lasts four (4) hours or less. Fees associated with these proceedings are:

Three (3) Pre-hearing sessions with Panel x \$1,200.00 = \$3,600.00

Pre-hearing conferences:	March 4, 2002	1 session
	June 19, 2003	1 session
	May 3, 2004	1 session

Total Forum Fees = \$3,600.00

The Panel assessed forum fees as follows:

Claimant shall pay \$1,800.00 and Respondent shall pay \$1,800.00.

Pursuant to NASD Dispute Resolution Code of Arbitration Procedure Rule 10332(f):

FEE SUMMARY

1. Claimant, Salsman is hereby are solely liable for:

Initial Filing Fee	= \$ 600.00
<u>Forum Fees</u>	<u>= \$1,800.00</u>
Total Fees	= \$2,400.00
<u>Less payments</u>	<u>= \$1,800.00</u>
Balance Due NASD Dispute Resolution	= \$ 600.00

2. Respondent, Morgan Stanley DW, Inc., is hereby solely liable for:

Member Fees	= \$7,600.00
<u>Less payments</u>	<u>= \$7,600.00</u>
Balance Due NASD Dispute Resolution	= \$ 0.00

3. Respondents, Morgan Stanley DW, Inc. and Lanny S. Rominger are hereby jointly and severally liable for:

Forum Fees	= \$1,800.00
<u>Less payments</u>	<u>= \$1,850.00</u>
Balance Due NASD Dispute Resolution	= \$ 0.00

All balances are due to NASD Dispute Resolution.

ARBITRATION PANEL

Lee R. Dye	-	Public Arbitrator, Presiding Chairperson
Peter J. Broullire, III, Esq.	-	Public Arbitrator
Jack G. Till	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

Lee R. Dye
Public Arbitrator, Presiding Chair

10/14/04
Signature Date

Peter J. Broullire, III, Esq.
Public Arbitrator

10/11/04
Signature Date

Jack G. Till
Non-Public Arbitrator

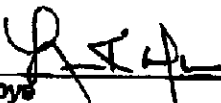
10/14/04
Signature Date

10/14/04
Date of Service (For NASD office use only)

ARBITRATION PANEL

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Peter J. Broullire, III, Esq.	-	Public Arbitrator
Jack G. Till	-	Non-Public Arbitrator

Consenting Arbitrators' Signatures



Lee R. Dye
Public Arbitrator, Presiding Chair

10-14-04

Signature Date

Peter J. Broullire, III, Esq.
Public Arbitrator

Signature Date

Jack G. Till
Non-Public Arbitrator

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Public Arbitrator, Presiding Chair

Signature Date



Peter J. Broullre, III, Esq.
Public Arbitrator



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Non-Public Arbitrator

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