

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Kamran Niknejad, Claimant v. Morgan Stanley Dean Witter, Inc. and Alexander Plotkin
Respondents

Case Number: 01-02775

Hearing Site: Los Angeles, California

REPRESENTATION OF PARTIES

For Claimant Kamran Niknejad:

Stephen J. Riggs, Esq.
Brady, Riggs & Ford
Pasadena, California

For Respondents Morgan Stanley Dean Witter, Inc.
and Alexander Plotkin:

Todd E. Gordinier, Esq.
Edward S. Kim, Esq.
Stradling Yocca Carlson & Rauth
Newport Beach, California

CASE INFORMATION

Statement of Claim filed: May 22, 2001

Claimant's Uniform Submission Agreement signed: May 21, 2001

Joint Statement of Answer filed by Respondents: December 3, 2001

Respondent Alexander Plotkin's Uniform Submission Agreement signed: April 26, 2002

CASE SUMMARY

Claimant alleged breach of contract, breach of fiduciary duty, non-disclosure, misrepresentation, negligent misrepresentation, negligence, unauthorized trading, unsuitability, failure to supervise and violation of NASD Rules involving the purchase of unspecified technology stocks on margin.

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

RELIEF REQUESTED

Claimant requested at least \$110,000.00 in compensatory damages, unspecified punitive damages, interest, and costs, including attorney's fees.

Respondents requested dismissal of the Claimant's Statement of Claim in its entirety and expungement of Respondent Alexander Plotkin's CRD record.

OTHER ISSUES CONSIDERED AND DECIDED

Respondent Morgan Stanley Dean Witter, Inc. did not file with the NASD Dispute Resolution a properly executed submission agreement but is required to submit to arbitration pursuant to the Code and, having answered the claim, appeared and testified at the hearing, is bound by the determination of the Panel on all issues submitted.

The parties agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered.

AWARD

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

- 1) Claimant's claims are denied in their entirety. The panel is not persuaded that the alleged misrepresentations by Plotkin relative to the opening of the account occurred. The panel finds that there may have been violations of Morgan Stanley Dean Witter's own rules of conduct, particularly in the opening of an option account when the client did not meet the one year experience requirement, and possibly in the handling of the email of March 6, 2001; however, the panel finds no causal connection between these violations and the losses Claimant sustained.
- 2) The parties shall bear their respective costs, including attorney's fees.
- 3) 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	= \$ 300.00
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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, Inc. is a party and the following fees are assessed:

Member Surcharge	= \$1,500.00
Pre-Hearing Process Fee	= \$ 600.00
Hearing Process Fee	= \$2,500.00
Total Member Fees	= \$4,600.00

Forum Fees and Assessments

The Panel 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 Chair or the parties and the Panel. The following fees are assessed:

One (1) Pre-hearing conference session with a single arbitrator @ \$450.00/session	= \$ 450.00
Pre-hearing conference: September 26, 2002	1 session

One (1) Pre-hearing conference session with the Panel @ \$1,125.00/session	= \$1,125.00
Pre-hearing conference: March 11, 2002	1 session

Five (5) Hearing sessions @ \$1,125.00/session	= \$5,625.00
Hearings: September 30, 2002	2 sessions
October 1, 2002	2 sessions
October 2, 2002	1 session

Total Forum Fees	= \$7,200.00
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1. The Panel assessed \$450.00 of the forum fees to Claimant Kamran Niknejad.
2. The Panel assessed \$6,750.00 of the forum fees to Respondent Morgan Stanley Dean Witter, Inc.

Fee Summary

1. Claimant Kamran Niknejad is charged with the following fees and costs:

Initial Filing Fee	= \$ 300.00
Forum Fees	= \$ 450.00
Total Fees	= \$ 750.00
Less payments	= \$ (1,425.00)
Refund Due from NASD Dispute Resolution	= \$ (675.00)

2. Respondent Morgan Stanley Dean Witter, Inc. is charged with the following fees and costs:

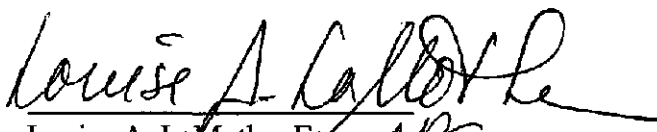
Member Fees	= \$ 4,600.00
Forum Fees	= \$ 6,750.00
Total Fees	= \$11,350.00
Less payments	= \$ (4,600.00)
Balance Due NASD Dispute Resolution	= \$ 6,750.00

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.


ARBITRATION PANEL

<i>Louise A. LaMothe, Esq.</i>	-	<i>Public Arbitrator, Presiding Chair</i>
<i>Randy R. Maher, JD</i>	-	<i>Public Arbitrator</i>
<i>William L. Hildeburn, Jr.</i>	-	<i>Non-Public Arbitrator</i>

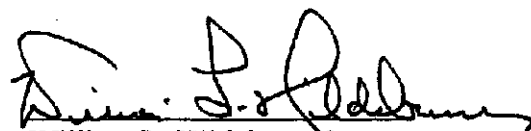
Concurring Arbitrators' Signatures


Louise A. LaMothe, Esq. *ARC*
Chair, Public Arbitrator

10/2/02
Signature Date


Randy R. Maher, JD
Public Arbitrator

10-2-02
Signature Date


William L. Hildeburn, Jr.
Non-Public Arbitrator

10/2/02
Signature Date

10/2/02
Date of Service