
Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Names of the Claimants

Anthony J. Mirigliani, IRA

Lucille T. Mirigliani, IRA

Anthony J. and Lucille T. Mirigliani, Joint Revocable Trust, DTD 1/29/99

Case Number: 01-03071

Names of the Respondents

Michael Stone

Thomas Jackman

Morgan Stanley Dean Witter, Inc.

Hearing Site: Tampa, Florida

REPRESENTATION OF PARTIES

For Anthony J. Mirigliani, IRA ("A. Mirigliani"), Lucille T. Mirigliani IRA ("L. Mirigliani") and Anthony J. and Lucille T. Mirigliani Joint Revocable Trust, DTD 1/29/99 ("Mirigliani Trust"), hereinafter collectively referred to as "Claimants": John R. Kiefner, Jr., Esq., and Scott Fitzpatrick, Esq., Kiefner & Renaldo, P.A., St. Petersburg, Florida.

For Respondents Morgan Stanley Dean Witter, Inc. ("MSDW") and Thomas Jackman ("Jackman"): Allison Barry Doneghey, Esq., Morgan Stanley DW, Inc., Sarasota, Florida.

For Respondent Michael Stone ("Stone"): Amy Sinelli, Esq., Igler & Dougherty, P.A., Tampa, Florida, until her withdrawal as counsel on or about May 15, 2003. Thereafter, Respondent Stone appeared pro se.

CASE INFORMATION

Statement of Claim filed on or about: June 12, 2001.

Claimants signed the Uniform Submission Agreement: June 25, 2001.

Statement of Answer filed by Respondents MSDW and Jackman on or about: December 3, 2001.

Statement of Answer filed by Respondent Stone on or about: November 30, 2001.

Respondent Stone signed the Uniform Submission Agreement. October 1, 2001.

Respondent MSDW signed the Uniform Submission Agreement: January 27, 2002.

Respondent Jackman did not file an executed Uniform Submission Agreement.

Claimants Reply to the Affirmative Defenses of Respondents MSDW and Jackman filed on or about: December 7, 2001.

Claimants Reply to the Affirmative Defenses of Respondent Stone filed on or about: December 7, 2001.

CASE SUMMARY

Claimants asserted the following causes of action: 1) fraud; and, 2) negligence. The causes of action relate to the purchase of various stocks in Claimants' accounts, including, but not limited to, JDS Uniphase, Digatas, Viasystems, AT&T Wireless, Genuity and the purchase of the Hartford/Putnam Annuity.

Unless specifically admitted in their Answers, Respondents denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

Claimants requested compensatory damages in the amount of \$11,258.00, interest, costs, reimbursement of any management fees and such fair and equitable relief as this Panel deems just.

Respondents MSDW and Jackman requested that the Statement of Claim be dismissed in its entirety, costs, attorney's fees and an order expunging this matter from the Central Registration Depository (the "CRD") records of Respondent Jackman.

Respondent Stone requested that the Statement of Claim be dismissed in its entirety plus attorney's fees and costs.

OTHER ISSUES CONSIDERED AND DECIDED

Respondent Jackman did not file with NASD a properly executed submission to arbitration but is required to submit to arbitration pursuant to the NASD Code of Arbitration Procedure (the "Code") and, having answered the claim, is bound by the determination of the Panel on all issues submitted.

On or about May 8, 2003, Claimants filed with NASD Dispute Resolution a Stipulation Between Claimants and Respondent Jackman which dismissed the claims against Respondent Jackman, without prejudice. In addition, Claimants and Respondent Jackman agreed to an order expunging this matter from the CRD record of Respondent Jackman.

On or about May 16, 2003, Claimants advised NASD Dispute Resolution that they had settled this matter with the remaining Respondents.

On or about June 17, 2003, Claimants filed with NASD Dispute Resolution an additional Stipulation Between Claimants and Respondent Jackman which dismissed all claims against Respondent Jackman, with prejudice.

AWARD

After considering the pleadings and the Stipulations between Claimants and Respondent Jackman, the undersigned Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

The Arbitrator recommends the expungement of all references to the above captioned arbitration from Respondent Jackman's registration records maintained by the NASD CRD, with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondent Jackman must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

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 = \$125.00

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. Accordingly, MSDW is a party to this dispute and was a member of the NASD at the time the following fees were assessed:

Member surcharge = \$400.00

Adjournment Fees

No requests for adjournments were filed in this matter.

Injunctive Relief Fees

No injunctive relief fees were incurred during this proceeding.

Forum Fees and Assessments

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

Two (2) Pre-hearing sessions with a single arbitrator @ \$450.00 = \$900.00

Pre-hearing conferences: April 22, 2002 1 session

August 21, 2002 1 session

Total Forum Fees = \$900.00

The Arbitrator has assessed \$450.00 of the forum fees jointly and severally to Claimants.

The Arbitrator has assessed \$450.00 of the forum fees jointly and severally to Respondents.

Administrative Costs

Administrative costs are expenses incurred due to a request by a party for special services beyond the normal administrative services. These include, but not limited to, additional copies of arbitrator awards, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

NASD

Arbitration No.01-03071

Award Page 4

No administrative costs were incurred during this proceeding.

Fee Summary

Claimants are jointly and severally liable for:

Initial Filing Fee	= \$ 125.00
<u>Forum Fees</u>	= \$ 450.00
Total Fees	= \$ 575.00
<u>Less payments</u>	= \$ 575.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent MSDW is solely liable for:

<u>Member Fees</u>	= \$ 400.00
Total Fees	= \$ 400.00
<u>Less payments</u>	= \$ 400.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondents MSDW, Stone and Jackman are jointly and severally liable for:

<u>Forum Fees</u>	= \$ 450.00
Total Fees	= \$ 450.00
<u>Less payments</u>	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 450.00

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

ARBITRATION PANEL

Norman K. Ellman

-

Public Arbitrator, Presiding Chairperson

Arbitrator's Signature

/s/

Norman K. Ellman
Public Arbitrator, Presiding Chairperson

7/2/03

Signature Date

7/8/03

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

NASD

Arbitration No.01-03071

Award Page 4

No administrative costs were incurred during this proceeding.

Fee Summary

Claimants are jointly and severally liable for:

Initial Filing Fee	= \$ 125.00
Forum Fees	= \$ 450.00
Total Fees	= \$ 575.00
Less payments	= \$ 575.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent MSDW is solely liable for:

Member Fees	= \$ 400.00
Total Fees	= \$ 400.00
Less payments	= \$ 400.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondents MSDW, Stone and Jackman are jointly and severally liable for:

Forum Fees	= \$ 450.00
Total Fees	= \$ 450.00
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 450.00

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

ARBITRATION PANEL


Norman K. Ellman

Public Arbitrator, Presiding Chairperson

Arbitrator's Signature



Norman K. Ellman
Public Arbitrator, Presiding Chairperson



Signature Date

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