

AWARD
NASD Dispute Resolution

In the Matter of the Arbitration Between

Claimant

Robert J. Nelson

v.

01-03115

Minneapolis, Minnesota

Respondents

Morgan Stanley Dean Witter, Inc.
and Jeffrey S. Christians

Nature of Dispute: Customer v. Member and Associated Person

REPRESENTATION OF PARTIES

Robert J. Nelson ("Claimant") was represented by A. Russell Janklow, Esq., of Johnson Heidepriem Miner & Marlow, Sioux Falls, South Dakota.

Morgan Stanley Dean Witter, Inc. ("MSDW") and Jeffrey S. Christians ("Christians"), hereinafter referred to as ("Respondents"), were represented by Michael T. Nilan, Esq., of Halleland Lewis Nilan Sipkins & Johnson, Minneapolis, Minnesota.

CASE INFORMATION

The Statement of Claim was filed on or about June 12, 2001. Submission Agreement of Claimant was signed on or about July 10, 2001.

A Joint Statement of Answer was filed by Respondents Morgan Stanley Dean Witter, Inc. and Jeffrey S. Christians on or about December 3, 2001. Submission Agreement of Respondent Morgan Stanley Dean Witter, Inc. was signed on or about November 30, 2001. Submission Agreement of Respondent Jeffrey S. Christians was signed on or about November 26, 2001.

Respondents submitted a Motion to Exclude Newly Asserted Claims on or about February 13, 2004. Claimant filed an Opposition to Respondents' Motion to Exclude Newly Asserted Claims on or about February 18, 2004.

Claimant submitted a Motion to Amend the Statement of Claim on or about February 20, 2004. Respondents submitted a Response to the Motion to Amend on or about February 23, 2004.

CASE SUMMARY

Claimant asserted causes of action including the following: negligence, breach of fiduciary duty, and failure to execute relating to the purchase and sale of stock in globe.com. Claimant asserted that Respondents failed to timely execute a sell order after a market purchase of common stock in Globe.com, Inc. during its initial public offering. Claimant alleged that due to Respondents' negligent conduct, he suffered losses on the trade.

Respondents denied the allegations set forth in the Statement of Claim and asserted affirmative defenses including the following: Claimant's claims are barred under the doctrines of waiver, ratification, estoppel, laches, and unclean hands; Claimant's damages, if any were caused by the acts and omissions of the Claimant and not by the acts or omissions of Respondents; Claimant's claims are barred because the Claimant expressly and by his actions assumed the risks of the investment strategy; and Claimant's claims are barred as a result of Claimant's failure to execute due diligence and failure to timely disaffirm the transactions and acts complained of in the Claim despite Claimant's knowledge of these transactions.

RELIEF REQUESTED

Claimant requested an award in the amount of \$263,932.19, plus interest, costs, attorney's fees and any other relief that the panel deemed just and equitable.

Respondents requested that the claims asserted against them be denied in their entirety and that they be awarded their costs and attorneys' fees. At the hearing, Respondents orally requested that this matter be expunged from Respondent Jeffrey S. Christians' permanent registration records maintained by the Central Registration Depository ("CRD").

OTHER ISSUES CONSIDERED & DECIDED

The panel issued an order on or about February 24, 2004, granting Claimant's Motion to Amend and denying Respondents' Motion to Exclude Newly Asserted Claims. The panel also granted Respondents' Request for a Continuance of the Hearing Dates.

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. In either case, the parties have agreed to receive conformed copies of the award while the originals remain on file with NASD Dispute Resolution ("NASD").

AWARD

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

1. Claimant's claims, each and all, are hereby denied and dismissed with prejudice in their entirety;
2. The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Jeffrey S. Christians' registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondent Jeffrey S. Christians must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive;
3. To the extent not specifically awarded or otherwise provided for above, all other claims and requests for relief by any party hereto are denied with prejudice; and
4. Other than the Forum Fees noted below, the parties shall each bear all other costs and expenses incurred by them in connection with this proceeding, including but not limited to attorneys' fees.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution will retain the non-refundable filing fee for each claim:

Initial claim filing fee = \$ 300

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 Morgan Stanley Dean Witter, Inc.

Member surcharge = \$ 1,500
Pre-hearing process fee = \$ 600
Hearing process fee = \$ 2,500

Adjournment Fees

Adjournments granted during these proceedings:

Hearing Dates, December 1-2, 2003

Adjournment requested by Claimant (Fee Waived by panel) = \$ 1,125

Hearing Dates, February 26-27, 2004

Adjournment requested by Respondents (Fee Waived by panel) = \$ 1,125

Forum Fees and Assessments

The Arbitration Panel assesses forum fees for each hearing session conducted. A hearing 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:

Three (3) Pre-hearing sessions with Panel x \$ 1,125 = \$ 3,375

Pre-hearing conferences:	08/01/2003	1 session
	02/24/2004	1 session
	02/27/2004	1 session

Three (3) Hearing sessions with Panel x \$ 1,125 = \$ 3,375

Hearing Dates:	06/17/2004	2 sessions
	06/18/2004	1 session

Total Forum Fees = \$ 6,750

The Arbitration Panel has assessed \$ 6,750 of the forum fees to Robert J. Nelson.

Fee Summary

Claimant, Robert J. Nelson is liable for:

Initial Filing Fee	= \$ 300
Forum Fees	= \$ 6,750
Total Fees	= \$ 7,050
Less payments	= \$ 1,425
Balance Due NASD Dispute Resolution	= \$ 5,625

Respondent, Morgan Stanley Dean Witter, Inc., is liable for:

<u>Member Fees</u>	= \$ 4,600
<u>Total Fees</u>	= \$ 4,600
<u>Less payments</u>	= \$ 5,000
Balance Refunded By NASD Dispute Resolution	= \$ 400

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

ARBITRATION PANEL

Judith A. Rogosheske, Esq. - Public Arbitrator, Presiding Chair
Kerry C. Koep, Esq. - Public Arbitrator
Mica T. Duncan- Non-Public Arbitrator

Concurring Arbitrators:

Judith A. Rogosheske, Esq.
Public Arbitrator, Presiding Chair

Signature Date

Kerry C. Koep, Esq.
Public Arbitrator

Signature Date

Mica T. Duncan
Non-Public Arbitrator

Signature Date

6/24/04
Date of Service (NASD use only)

NASD Dispute Resolution
Arbitration No. 01-03115
Award Page 5 of 5

NASD Dispute Resolution
JUN 28 2004

Respondent, Morgan Stanley Dean Witter, Inc., is liable for:


Member Fees	= \$ 4,600
Total Fees	= \$ 4,600
Less payments	= \$ 5,000
Balance Refunded By NASD Dispute Resolution	= \$ 400

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

ARBITRATION PANEL

Judith A. Rogosheske, Esq. - Public Arbitrator, Presiding Chair
Kerry C. Koep, Esq. - Public Arbitrator
Mica T. Duncan - Non-Public Arbitrator

Concurring Arbitrators:


Judith A. Rogosheske, Esq.
Public Arbitrator, Presiding Chair

25 June 2004
Signature Date

Kerry C. Koep, Esq.
Public Arbitrator

Signature Date

Mica T. Duncan
Non-Public Arbitrator

Signature Date

6/24/04
Date of Service (NASD use only)

Respondent, Morgan Stanley Dean Witter, Inc., is liable for:

Member Fees	= \$ 4,600
Total Fees	= \$ 4,600
Less payments	= \$ 5,000
Balance Refunded By NASD Dispute Resolution	= \$ 400

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

ARBITRATION PANEL

Judith A. Rogosheske, Esq. - Public Arbitrator, Presiding Chair
Kerry C. Koep, Esq. - Public Arbitrator
Mica T. Duncan- Non-Public Arbitrator

Concurring Arbitrators:

Judith A. Rogosheske, Esq.
Public Arbitrator, Presiding Chair

Signature Date


Kerry C. Koep, Esq.
Public Arbitrator

6/28/04
Signature Date

Mica T. Duncan
Non-Public Arbitrator

Signature Date

6/29/04
Date of Service (NASD use only)

Respondent, Morgan Stanley Dean Witter, Inc., is liable for:

<u>Member Fees</u>	= \$ 4,600
<u>Total Fees</u>	= \$ 4,600
<u>Less payments</u>	= \$ 5,000
<u>Balance Refunded By NASD Dispute Resolution</u>	= \$ 400

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

ARBITRATION PANEL

Judith A. Rogosheske, Esq. - Public Arbitrator, Presiding Chair
Kerry C. Koep, Esq. - Public Arbitrator
Mica T. Duncan- Non-Public Arbitrator

Concurring Arbitrators:

Judith A. Rogosheske, Esq.
Public Arbitrator, Presiding Chair

Signature Date

Kerry C. Koep, Esq.
Public Arbitrator

Signature Date

Mica T. Duncan
Mica T. Duncan
Non-Public Arbitrator

6-25-2004 *rf*
~~2-25-2004~~

Signature Date

6/25/04
Date of Service (NASD use only)