

Stipulated Award

NASD

In the Matter of the Arbitration Between:

Todd Seewald, Claimant v. First Union Securities, Inc., Morgan Stanley Dean Witter, and Marc Feldman, Respondents

Case Number: 01-03174

Hearing Site: Boca Raton, Florida

REPRESENTATION OF PARTIES

For Todd Seewald, hereinafter referred to as "Claimant": Darren C. Blum, Esq., Law Offices of Darren C. Blum, Plantation, FL.

For Respondent First Union Securities, Inc. ("FUS"): Brian A. Carlis, Esq., Stark & Stark, P.C., Lawrenceville, NJ.

For Respondent Morgan Stanley Dean Witter ("MSDW"): Allison B. Doneghey, Esq., MSDW, Sarasota, FL. On or about July 19, 2002, Peter J. Aldrich, Esq., Peter J. Aldrich, P.A., Palm Beach Gardens, FL, filed a notice of appearance.

For Respondent Marc Feldman ("Feldman"): Brian A. Carlis, Esq., Stark & Stark, P.C., Lawrenceville, NJ for the time period when Feldman was employed by FUS. Allison B. Doneghey, Esq., MSDW, Sarasota, FL, for the time period when Feldman was employed by MSDW. On or about July 19, 2002, Peter J. Aldrich, Esq., Peter J. Aldrich, P.A., Palm Beach Gardens, FL, filed a notice of appearance. On September 30, 2002, Laura J. Starr, Esq., Homer, Bonner & Delgado, P.A., Miami, FL, filed a notice of appearance.

CASE INFORMATION

Statement of Claim filed on or about: June 8, 2001.

Claimant signed the Uniform Submission Agreement: June 5, 2001.

Respondents FUS and Feldman's Answer filed on or about: August 29, 2001.

Respondents MSDW and Feldman's Answer filed on or about: August 29, 2001.

Respondent Feldman signed the Uniform Submission Agreement: August 29, 2001.

Respondent FUS signed the Uniform Submission Agreement: July 2, 2001.

Respondent MSDW signed the Uniform Submission Agreement: September 11, 2001.

CASE SUMMARY

Claimant alleged the following causes of action: 1) breach of fiduciary duties; 2) breach of contract; 3) fraud; 4) unsuitability; 5) violation of Florida Statutes Section 517.301; 6) negligence; and 7) negligent supervision, hiring and retention of employees. The causes of action relate, but are not limited to, the purchase of securities of Priceline.Com, Applied Materials, Vertical Net, and Exodus Communications.

Unless specifically admitted in their Statements of Answer, Respondents denied the allegations of wrongdoing set forth in Claimant's Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

Claimant requested in his Statement of Claim: 1) compensatory damages in the amount of \$200,000.00, plus interest at the legal rate from the date of purchase or reasonable market return; 2) rescission; 3) attorneys' fees; 4) an unspecified amount of punitive damages; 5) costs; 6) and such other relief that the Panel deemed just and proper.

Respondents requested: 1) dismissal of the Statement of Claim, with prejudice; 2) costs; 3) attorneys' fees; and 4) such other relief as the panel deemed just and proper. Further, Respondent FUS requested recovery of all NASD member fees and surcharges. Respondent Feldman requested the expungement of all references to the above captioned arbitration from his registration records maintained by the NASD CRD.

OTHER ISSUES CONSIDERED AND DECIDED

On August 2, 2002, Claimant informed NASD that he withdrew, with prejudice, his claims against Respondent FUS. This dismissal specifically excluded Claimant's claims against Respondent Feldman during the period of his employment at FUS.

On August 12, 2002, Claimant informed NASD that he settled this matter with all parties.

On or about September 30, 2002, Respondent Feldman filed with NASD an Agreed Motion for Expungement of his CRD Record. On October 9, 2002, the panel granted the Motion.

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

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AWARD

After considering the pleadings and the Agreed Motion for Expungement of the CRD Record of Respondent Feldman, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

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

FEES

Pursuant to the NASD Code of Arbitration Procedure (the "Code"), the following fees are assessed:

Filing Fees

NASD 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. Morgan Stanley Dean Witter is a party to this dispute and was an NASD member at the time the following fees were assessed:

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

First Union Securities, Inc. is a party to this dispute and was an NASD member at the time the following fees were assessed:

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

Adjournment Fees

No adjournment fees are assessed.

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Injunctive Relief Fees

Injunctive relief fees were not assessed in this matter.

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/Panel. The following fees are assessed:

One (1) Pre-hearing conference with the Panel @ \$1,125.00	= \$ 1,125.00
Pre-hearing conference: February 11, 2002 1 session	
Total Forum Fees	= \$ 1,125.00

The Panel assessed forum fees of \$ 281.25 to Claimant.

The Panel assessed forum fees of \$ 281.25 to Respondent MSDW.

The Panel assessed forum fees of \$ 281.25 to Respondent FUS.

The Panel assessed forum fees of \$ 281.25 to Respondent Feldman.

Administrative Costs

Administrative costs are expenses incurred because a party requested additional services beyond the normal administrative services. These additional services include, but are not limited to, additional copies of arbitrator awards, copies of audio transcripts, retrieval of documents from archives, interpreters, security, and other requests.

There were no administrative costs incurred during these proceedings.

Fee Summary

Claimant is solely liable for the following fees and costs:

Initial Filing Fee	= \$ 300.00
Retained Hearing Session Deposit	= \$ 843.75
Forum Fees	= \$ 281.25
Total Fees	= \$ 1,425.00
Less payments	= \$ 1,425.00
Balance Due NASD	= \$ 0.00

Respondent MSDW is solely liable for the following fees and costs:

Forum Fees	= \$ 281.25
Member Fees	= \$ 4,600.00
Total Fees	= \$ 4,881.25
Less payments	= \$ 4,600.00

Respondent FUS is solely liable for the following fees and costs:

Forum Fees	= \$ 281.25
Member Fees	= \$ 4,600.00
Total Fees	= \$ 4,881.25
Less payments	= \$ 4,881.25
Balance Due NASD	= \$ 0.00

Respondent Feldman is solely liable for the following fees and costs:

Forum Fees	= \$ 281.25
Total Fees	= \$ 281.25
Less payments	= \$ 0.00
Balance Due NASD	= \$ 281.25

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

ARBITRATION PANEL

<i>Lawrence M. Green</i>	-	<i>Public Arbitrator, Presiding Chair</i>
<i>Sherry Puro</i>	-	<i>Public Arbitrator</i>
<i>George R. Silver</i>	-	<i>Non-Public Arbitrator</i>

Concurring Arbitrators' Signatures

/s/
Lawrence M. Green
Chair, Public Arbitrator

Signature Date

/s/
Sherry Puro
Public Arbitrator

Signature Date

/s/
George R. Silver
Non-Public Arbitrator

Signature Date

November 5, 2002

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Respondent FUS is solely liable for the following fees and costs:

Forum Fees	= \$ 281.25
Member Fees	= \$ 4,600.00
Total Fees	= \$ 4,881.25
Less payments	= \$ 4,881.25
Balance Due NASD	= \$ 0.00

Respondent Feldman is solely liable for the following fees and costs:

Forum Fees	= \$ 281.25
Total Fees	= \$ 281.25
Less payments	= \$ 0.00
Balance Due NASD	= \$ 281.25

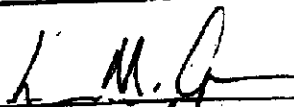
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ARBITRATION PANEL

Lawrence M. Green
Sherry Puro
George R. Silver

Public Arbitrator, Presiding Chair
Public Arbitrator
Non-Public Arbitrator

Concurring Arbitrators' Signatures


Lawrence M. Green
Chair, Public Arbitrator

10-31-02
Signature Date

Sherry Puro
Public Arbitrator

Signature Date

George R. Silver
Non-Public Arbitrator

Signature Date

Date of Service (For NASD office use only)

NASD

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Respondent FUS is solely liable for the following fees and costs:

Forum Fees	= \$ 281.25
Member Fees	= \$ 4,600.00
Total Fees	= \$ 4,881.25
Less payments	= \$ 4,881.25
Balance Due NASD	= \$ 0.00

Respondent Feldman is solely liable for the following fees and costs:

Forum Fees	= \$ 281.25
Total Fees	= \$ 281.25
Less payments	= \$ 0.00
Balance Due NASD	= \$ 281.25

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ARBITRATION PANEL

Lawrence M. Green

Public Arbitrator, Presiding Chair

Sherry Puro

Public Arbitrator

George R. Silver

Non-Public Arbitrator

Concurring Arbitrators' Signatures

Lawrence M. Green
Chair, Public Arbitrator

Signature Date

Sherry Puro
Public Arbitrator

Signature Date



George R. Silver
Non-Public Arbitrator



Signature Date

Date of Service (For NASD office use only)

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FL ARBITRATION

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Respondent FUS is solely liable for the following fees and costs:

Forum Fees	= \$ 281.25
Member Fees	= \$ 4,600.00
Total Fees	= \$ 4,881.25
Less payments	= \$ 4,881.25
Balance Due NASD	= \$ 0.00

Respondent Feldman is solely liable for the following fees and costs:

Forum Fees	= \$ 281.25
Total Fees	= \$ 281.25
Less payments	= \$ 0.00
Balance Due NASD	= \$ 281.25

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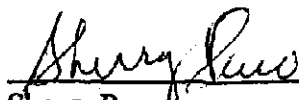
ARBITRATION PANEL

Lawrence M. Green	-	Public Arbitrator, Presiding Chair
Sherry Puro	-	Public Arbitrator
George R. Silver	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

Lawrence M. Green
Chair, Public Arbitrator

Signature Date



Sherry Puro
Public Arbitrator



Signature Date

George R. Silver
Non-Public Arbitrator

Signature Date

Date of Service (For NASD Use Only)