

Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Brian McVeigh, (Claimant) v. Morgan Stanley DW Inc., Mary Kay Aigner, Max Scholfield, (Respondents)

Case Number: 01-03213

Hearing Site: New York, NY

Nature of the Dispute: Customer v. Member and Associated Persons

REPRESENTATION OF PARTIES

Claimant Brian McVeigh ("McVeigh") was represented by Howard Miller, Esq., Hackensack, NJ.

Respondents Morgan Stanley DW Inc. ("Morgan Stanley"), Mary Kay Aigner ("Aigner") and Max Scholfield ("Scholfield"), hereinafter collectively referred to as "Respondents," were represented by Daren A. Luma, Esq., Greenberg Traurig, LLP, New York, NY.

CASE INFORMATION

Statement of Claim filed on July 21, 2001

Claimant signed the Uniform Submission Agreement on July 21, 2001

Statement of Answer filed by Respondents, Morgan Stanley, Aigner and Scholfield, on November 30, 2001.

Respondent Morgan Stanley did not submit a properly executed Uniform Submission Agreement.

Respondent Aigner signed the Uniform Submission Agreement on September 1, 2005.

Respondent Scholfield signed the Uniform Submission Agreement on September 1, 2005.

CASE SUMMARY

Claimant asserted the following causes of action: negligence, failure to supervise, respondeat superior, and violations of federal securities laws. The causes of action relate to the purchase and sale of technology-related securities in Claimant's accounts and the use of margin in said accounts.

Unless specifically admitted in its Answer, Respondents denied the allegations made in the Statement of Claim and asserted the following defenses: Claimant failed to state a cause of action upon which relief can be granted; Respondents did not act with intent to defraud Claimant; Respondents did not misrepresent or omit material facts; Claimant's own actions or inactions caused any alleged damages; failure to mitigate; ratification;

waiver; estoppel; laches; Claimant's claims are barred by applicable statutes of limitations.

RELIEF REQUESTED

Claimant requested the following damages:

Compensatory Damages	\$ 2,000,000
Punitive Damages	\$ 8,000,000
Interest	\$ unspecified
Attorneys' Fees	\$ unspecified
Other Costs	\$ unspecified

Respondents requested that the statement of claim be dismissed in its entirety; and that the costs and expenses of the arbitration be assessed against Claimant.

OTHER ISSUES CONSIDERED AND DECIDED

Prior to the hearing, the Parties fully and finally settled all claims by and between them. Therefore, the Parties submit this Stipulated Award to the Panel for its consideration and request that it be entered.

Arbitrator John Loverro passed away. The parties have agreed that the remaining two arbitrators may execute the Stipulated Award in this matter. The parties have agreed that the Stipulated Award in this matter may be executed in counterpart copies.

Respondent did not file with NASD Dispute Resolution a properly executed Uniform Submission Agreement but is required to submit to arbitration pursuant to the Code and is bound by the determination of the Panel on all issues submitted.

AWARD

Pursuant to the above, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. The listed parties have amenablely resolved their differences and have requested this Stipulated Award;
2. The Panel recommends the expungement of all reference to the above captioned arbitration from Respondents Mary Kay Aigner and Max Scholfield's 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, Respondents Mary Kay Aigner and Max Scholfield must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive;

3. The parties shall bear their respective costs, including attorney's fees, except as Fees are specifically addressed below; and,
4. Any and all relief not specifically addressed herein, including punitive damages, is denied in its entirety.

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
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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. Morgan Stanley is a party.

Member surcharge	= \$3,000.00
Pre-hearing process fee	= \$ 600.00
Hearing process fee	= \$5,000.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

June 24 & 25, 2003 & July 8, 2005, adjournment by Claimant	= \$ waived
November 20 & 21, 2003, joint adjournment request	= \$ waived

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:

One (1) Pre-hearing session with Panel @ \$1,200.00	= \$1,200.00
Pre-hearing conference: August 29, 2002 1 session	
Total Forum Fees	= \$1,200.00

1. The Panel has assessed \$600.00 of the forum fees against Claimant.
2. The Panel has assessed \$600.00 of the forum fees against Respondent Morgan Stanley.

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.

Claimant, check return fee = \$15.00

Fee Summary

1. Claimant is solely liable for:

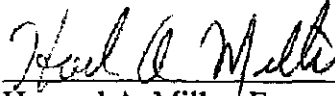
Initial Filing Fee	= \$ 600.00
Administrative Cost	= \$ 15.00
Forum Fees	= \$ 600.00
Total Fees	= \$1,215.00
Less payments	= \$2,100.00
Refund Due Claimant	= \$ 885.00

2. Respondent Morgan Stanley is solely liable for:

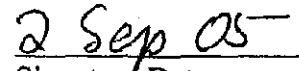
Member Fees	= \$8,600.00
Forum Fees	= \$ 600.00
Total Fees	= \$9,200.00
Less payments	= \$9,875.00
Refund Due Respondent	= \$ 675.00

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

Parties' Signatures



Howard A. Miller, Esq.
Attorney for Claimant



Signature Date

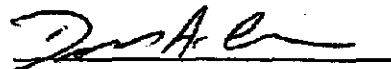
Daren A. Luma, Esq.
Greenberg Traurig, LLP
Attorney for Respondents

Signature Date

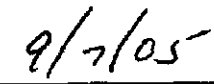
Parties' Signatures

Howard A. Miller, Esq.
Attorney for Claimant

Signature Date



Daren A. Luma, Esq.
Greenberg Traurig, LLP
Attorney for Respondents




Signature Date

ARBITRATION PANEL

Ira S. Cure, Esq.	-	Public Arbitrator, Presiding Chairperson
Walter A. Kapuscinski	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

I, the undersigned arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument in which is my award.



Ira S. Cure, Esq.
Public Arbitrator, Presiding Chairperson

9/29/05

Signature Date

Walter A. Kapuscinski
Non-Public Arbitrator

Signature Date

October 17, 2005

Date of Service (For NASD Dispute Resolution use only)

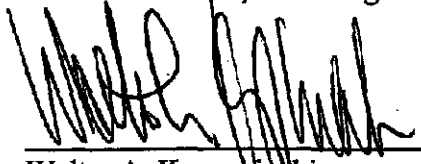
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Ira S. Cure, Esq.	-	Public Arbitrator, Presiding Chairperson
Walter A. Kapuscinski	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

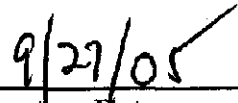
I, the undersigned arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument in which is my award.

Ira S. Cure, Esq.
Public Arbitrator, Presiding Chairperson




Walter A. Kapuscinski
Non-Public Arbitrator

Signature Date



Signature Date



Date of Service (For NASD Dispute Resolution use only)