

**Award**  
**NASD Dispute Resolution**

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In the Matter of the Arbitration Between:

Morgan Stanley Dean Witter Inc., d/b/a Morgan Stanley vs. Rose Belle Kaback and Aaron D. Kaback

Case Number: 01-03270

Hearing Site: Los Angeles, California

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**REPRESENTATION OF PARTIES**

For Claimant:

Morgan Stanley DW Inc.

Catherine L. Dellecker, Esq.  
Jones Bell Abbott Fleming &  
Fitzgerald, Long Beach, CA

For Respondents:

Aaron D. Kaback

*In Propria Persona*  
Calimesa, CA

Rose Belle Kaback

Aaron D. Kaback  
Calimesa, CA

**CASE INFORMATION**

Statement of Claim filed: June 14, 2001.

Claimant's Uniform Submission Agreement signed: May 17, 2001.

Statement of Answer filed by Respondents Rose Belle Kaback and Aaron D. Kaback: September 25, 2002.

**CASE SUMMARY**

Claimant alleged breach of contract and breach of the covenant of good faith and fair dealing for money had and received, for money lent and for account stated.

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

**RELIEF REQUESTED**

Claimant requested \$21,352.30 in compensatory damages, including interest and costs.

Respondent requested additional time to repay the debt owed.

### **OTHER ISSUES CONSIDERED AND DECIDED**

On September 16, 2002, the Arbitrator granted the parties' stipulated request to decide the case on the papers submitted, without a formal hearing.

Respondents Rose Belle Kaback and Aaron D. Kaback did not file with the NASD Dispute Resolution a properly executed submission agreement. However, Respondents voluntarily submitted to the arbitration proceeding and having answered the claim, are willing to be bound by the determination of the Arbitrator 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 and evidence presented by the parties, the Arbitrator decided in full and final resolution of the issues submitted for determination as follows:

- 1) Respondents Rose Belle Kaback and Aaron D. Kaback are jointly and severally liable to and shall pay Claimant the sum of \$21,352.30 in compensatory damages.
- 2) Respondents Rose Belle Kaback and Aaron D. Kaback are jointly and severally liable to and shall pay Claimant interest in the amount of 11 5/8% per annum on \$21,352.30 from February 2, 2001 until the date compensatory damages are paid to Claimant.
- 3) The parties shall bear their respective costs.
- 4) 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 = \$ 750.00

### **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 is a party and the following fees are assessed:

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Member Surcharge	= \$ 400.00
<b>Total Member Fees</b>	<b>= \$ 400.00</b>

### **Forum Fees and Assessments**

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

(1) Pre-hearing conference session with a single arbitrator @ \$ 450/session = \$ 450.00  
Pre-hearing conference: May 13, 2002 1 session

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Fee for deciding case on the papers	300.00
<b>Total Forum Fees</b>	<b>= \$ 750.00</b>

1. The Arbitrator assessed \$ 375.00 of the forum fees to Claimant Morgan Stanley DW Inc.
2. The Arbitrator assessed \$ 375.00 of the forum fees jointly and severally to Rose Belle Kaback and Aaron D. Kaback.

### **Fee Summary**

1. Claimant Morgan Stanley DW Inc. is charged with the following fees and costs:

Initial Filing Fee	= \$ 750.00
Member Fee	= \$ 400.00
<u>Forum Fees</u>	<u>= \$ 375.00</u>
Total Fees	= \$ 1,525.00
<u>Less payments</u>	<u>= \$(1,600.00)</u>
<b>Refund Due</b>	<b>= \$ 75.00</b>

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2. Respondents Rose Belle Kaback and Aaron D. Kaback are charged jointly and severally with the following fees and costs:

<u>Forum Fees</u>	= \$ 375.00
<u>Total Fees</u>	= \$ 375.00
<u>Less payments</u>	= \$ ( 0.00)
<b>Balance Due NASD Dispute Resolution</b>	<b>= \$ 375.00</b>


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**

Kevin K. Forrester, Esq.

Public Arbitrator

**Arbitrator's Signature**

  
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Kevin K. Forrester, Esq.  
Public Arbitrator

26 Nov 2002  
Signature Date

12-20-02  
Date of Service  
NASD Use Only