

**Stipulated Award  
NASD Dispute Resolution**

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In the Matter of Arbitration Between,

FREDERICK AND PAULA SMITH,

Case No. 01-06530

Claimants,

MORGAN STANLEY DW INC.,  
MATTHEW TAUB AND JASON WEISSMAN,

Hearing Site: New York, New York

Respondents.

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**REPRESENTATION OF PARTIES**

Claimants Frederick and Paula Smith, hereinafter referred to as "Claimants": Christopher T. Bavitz, Esq. New York, NY

Respondents Morgan Stanley DW Inc., Matthew Taub and Jason Weissman, hereinafter referred to as "Respondents": Gary E. Jackson, Esq., Morgan Stanley Law Division, New York, NY

**CASE INFORMATION**

Statement of Claim filed on or about: November 30, 2001. Claimants signed the Uniform Submission Agreement: November 11, 2001.

Statement of Answer filed by Respondents on or about: March 26, 2002. Respondents signed Uniform Submission Agreement: April 4, 2002.

**CASE SUMMARY**

Claimants asserted the following cause of action: Respondents executed an unauthorized sale of Intel stock in March 2001.

Respondents denied the claim in its entirety.

### **RELIEF REQUESTED**

Claimant requested unspecified compensatory damages plus costs and attorneys' fees.

Respondents requested that the claims be dismissed in their entirety, with an award of costs.

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

Prior to hearing, the parties having settled this matter with no admission of wrongdoing, have agreed that the Panel recommend the expungement of all reference to the above captioned arbitration from the registration records of Matthew Taub and Jason Weissman as maintained by the NASD Central Registration Depository ("CRD").

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.

### **AWARD**

The Panel, without making any finding of fact or conclusions of law, has determined as follows:

Based upon the foregoing, the Panel recommends the expungement of all reference to the above captioned arbitration from the registration records of Respondents Matthew Taub and Jason Weissman as maintained by the NASD Central registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondents Matthew Taub and Jason Weissman 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, Inc. will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee	= \$ 250.00
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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(s) at the time of the events giving rise to the dispute. In this matter, the member firm Morgan Stanley DW, Inc. is a party.

Member Surcharge	= \$ 1,500.00
Pre-Hearing Process Fee	= \$ 750.00
Total Member Fees	= \$ 2,250.00

### **Fee Summary**

1. Claimants are liable for:

Initial Filing Fee	= \$ 250.00
Total Fees	= \$ 250.00
Less payments	= \$ 750.00
Refund Due Claimant	= \$ 500.00


2. Respondent Morgan Stanley DW Inc. is solely liable for:

Member Fees	= \$ 2,250.00
Total Fees	= \$ 2,250.00
Less payments	= \$ 3,000.00
Refund Due Morgan Stanley DW, Inc.	= \$ 750.00

All balances are due and payable to NASD Dispute Resolution, Inc.

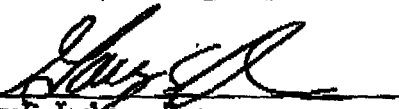
**Parties' Signatures**

**Claimants Frederick and Paul Smith**

By:   
Stephen L. Solomon, Esq.  
Their Attorney

10/27/03  
Signature Date

**Respondents Morgan Stanley DW Inc.,  
Matthew Taub and Jason Weisman**

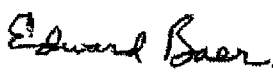
By:   
Gary E. Jackson, Esq.  
Their Attorney

5/22/03  
Signature Date

**ARBITRATION PANEL**

Edward Baer, Esq.	-	Public Arbitrator
Hugh N. Fryer, Esq.	-	Public Arbitrator
Linda T. Pellegrino, Esq.	-	Industry Arbitrator

**Concurring Arbitrators' Signatures**

  
\_\_\_\_\_  
Edward Baer, Esq.  
Public Arbitrator

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Hugh N. Fryer  
Public Arbitrator

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Linda T. Pellegrino, Esq.  
Industry Arbitrator

\_\_\_\_\_  
Signature Date

November 4, 2003  
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Date of Service (For NASD office use only)

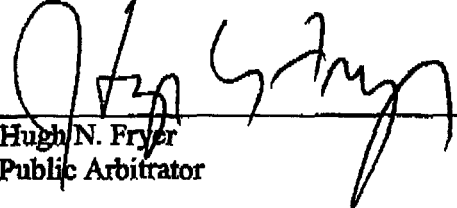
**ARBITRATION PANEL**

Edward Baer, Esq.  
Hugh N. Fryer, Esq.  
Linda T. Pellegrino, Esq.

- Public Arbitrator  
- Public Arbitrator  
- Industry Arbitrator

**Concurring Arbitrators' Signatures**

\_\_\_\_\_  
Edward Baer, Esq.  
Public Arbitrator

  
\_\_\_\_\_  
Hugh N. Fryer  
Public Arbitrator

\_\_\_\_\_  
Signature Date

  
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Signature Date

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Linda T. Pellegrino, Esq.  
Industry Arbitrator

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Signature Date

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Edward Baer, Esq.  
Hugh N. Fryer, Esq.  
Linda T. Pellegrino, Esq.

- Public Arbitrator
- Public Arbitrator
- Industry Arbitrator

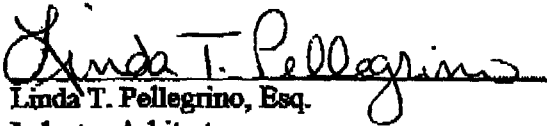
**Concurring Arbitrators' Signatures**

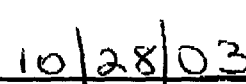
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Hugh N. Fryer  
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Linda T. Pellegrino, Esq.  
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