

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 02-04705

Opal M. Saxton, Claimant vs. Pat Brice and Morgan Stanley Dean Witter, Inc., Respondents.

ATTORNEYS:

For Claimant, Opal M. Saxton, Opal M. Saxton, Living Trust and Opal M. Saxton, IRA appeared Kevin J. Atchison, Esq., Phoenix, AZ.

For Respondents, Pat Brice and Morgan Stanley Dean Witter, Inc. appeared in-house counsel, Keith Guilfoyle, Esq., New York, NY.

DATE FILED: August 9, 2002

CASE SUMMARY: Claimant alleged that Respondents breached their fiduciary duty, lacked employee supervision, conducted activities leading to unjust enrichment, and were negligent regarding her IRA and Active Asset Custodian Accounts. Claimant maintained that due to Respondents' actions, she suffered financial losses. Claimant's claim involved various mutual funds and stocks.

Claim Data

Claim: \$12,161.68
Interest: Unspecified
Punitive: \$12,838.32
Attorney Fees: Unspecified
Filing Fees: Unspecified
Other: Unspecified
Specific Performance: Waive any and all
transferred fees which
maybe incurred in transferring.

Award Data

Award: \$.00
Interest: \$.00
Punitive: \$.00
Attorney Fees: \$.00
Filing Fees: \$.00
Other: \$.00
Specific Performance: Denied

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) The claims of Claimant are dismissed in their entirety. 2) All requests for attorney fees are denied. 3) All requests for punitive damages are denied. 4) All requests for interest are denied. 5) The arbitrator recommends the expungement of all reference to the above captioned arbitration from Respondent Pat Brice's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notice to Members 99-09 and 99-54, Respondent Pat Brice must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive. 6) All other relief requests are denied. 7) The \$425.00 filing fee previously deposited with NASD Dispute Resolution by the Claimant, shall be retained by NASD Dispute Resolution.

OTHER FEES: Pursuant to Rule 10333 of the Code, Respondent, Morgan Stanley Dean Witter, Inc. has paid to NASD Dispute Resolution the \$425.00 Member Surcharge previously invoiced.

Page Two
Award 02-04705

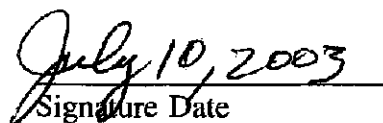
J. Noland Franz, Esq.

Sole Public Arbitrator

AFFIRMATION

I, J. Noland Franz, Esq., do hereby affirm, upon my oath as arbitrator that I am the individual described herein who executed this instrument, which is my oath and award.


J. Noland Franz, Esq.


Signature Date

July 24, 2003

Date of Service (For NASD-DR office use only)