
Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Names of the Claimants

Case Number: 02-04846

Edwin B. Kornblue, D.D.S., P.A. Profit Sharing Plan and Trust, Effective 10/1/71, Edwin B. Kornblue on behalf of his IRA Account and his Joint Account, Andrea B. Kornblue on behalf of her Joint Account, and Andrea B. Kornblue custodian for Paige Nicole Kornblue

Names of the Respondents

Hearing Site: Boca Raton, Florida

Morgan Stanley DW Inc., f/k/a Dean Witter Reynolds Inc.

REPRESENTATION OF PARTIES

For Edwin B. Kornblue, D.D.S., P.A. Profit Sharing Plan and Trust, Effective 10/1/71, Edwin B. Kornblue on behalf of his IRA Account and his Joint Account, Andrea B. Kornblue on behalf of her Joint Account, and Andrea B. Kornblue custodian for Paige Nicole Kornblue, hereinafter collectively referred to as "Claimants": David A. Weintraub, Esq., David A. Weintraub, P.A., Ft. Lauderdale, Florida.

For Morgan Stanley DW Inc., f/k/a Dean Witter Reynolds Inc. ("MSDW"), hereinafter referred to as "Respondent": Peter J. Aldrich, Esq., Peter J. Aldrich, P.A., Palm Beach Gardens, Florida.

CASE INFORMATION

Statement of Claim filed on or about: August 19, 2002.

Claimants signed the Uniform Submission Agreement: August 10, 2002.

Statement of Answer filed by Respondent on or about: October 21, 2002.

Respondent signed the Uniform Submission Agreement: November 6, 2002.

CASE SUMMARY

Claimants asserted the following causes of action: violation of the federal securities laws; breach of fiduciary duty; failure to supervise; negligence; and, common law fraud. The causes of action relate to the purchases and sales of Dean Witter High Yield Fund B; Van Kampen Hi Income Corporate Bond Fund B; MSDW Developing Growth Fund; MSDW S&P 500 Index Fund; Van Kampen Technology Fund; MSDW International Fund; Van Kampen Emerging Growth Fund; MSDW 21st Century Trend Fund; MSDW Developing Growth Fund B; Van Kampen Technology Fund B; Van Kampen Emerging Growth Fund B; MSDW Balanced Growth Fund B; MSDW Aggressive Equity Fund B; MSDW S&P 500 Index Fund B; MSDW Small Cap Growth B; MSDW Mid-Cap Equity Trust B; Century Trend Fund B; MSDW American Opportunities Fund B; Van Kampen Focus Port Telecom & Bandwidth Series A9 Unit Trust; MSDW New Discoveries Fund B; MSDW US Govt.

Securities Fund; MSDW Information Fund B; and, Sirrom Capital Corp; Landry's Seafood; Celegene Corp; Rambus, Inc.; Genuity, Inc.; and Kraft Foods stocks in Claimant's accounts.

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim and asserted various affirmative defenses

RELIEF REQUESTED

Claimants requested compensatory damages of \$400,000.00, interest, punitive damages, and costs.

Respondent requested that all claims asserted by Claimants be denied in their entirety and that Respondent be awarded its costs and fees incurred in this matter.

OTHER ISSUES CONSIDERED AND DECIDED

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, the testimony and evidence presented at the hearing, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

The Panel did not find Respondent liable to Claimants on any of the claims alleged in the Statement of Claim. As such, all claims are denied.

Any and all requests for relief not specifically addressed herein, including Claimants' request for punitive damages, are denied.

FEES

Pursuant to the NASD Code of Arbitration Procedure (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	= \$ 300.00
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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. Accordingly, Respondent MSDW is a member firm and a party.

Member surcharge	= \$ 1,700.00
Pre-hearing process fee	= \$ 750.00
<u>Hearing process fee</u>	<u>= \$ 2,750.00</u>
Total Member Fees	= \$ 5,200.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

No adjournment fees were incurred in this matter.

Injunctive Relief Fees

Injunctive relief fees are assessed to each member or associated person who files for a temporary injunction in court. Parties in these cases are also assessed arbitrator travel expenses and costs when an arbitrator is required to travel outside his or her hearing location and additional arbitrator honoraria for the hearing for permanent injunction. These fees, except the injunctive relief surcharge, are assessed equally against each party unless otherwise directed by the panel.

No injunctive relief fees were incurred in this matter.

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 a single arbitrator @ \$450.00	= \$ 450.00
Pre-hearing conference: October 1, 2003 1 session	

One (1) Pre-hearing session with the Panel @ \$1,125.00	= \$ 1,125.00
Pre-hearing conference: February 2, 2003 1 session	

Ten (10) Hearing sessions @ \$1,125.00	= \$11,250.00
Hearing Dates: November 3, 2003 2 sessions	
November 4, 2003 2 sessions	
November 5, 2003 2 sessions	
November 6, 2003 2 sessions	
November 7, 2003 2 sessions	

Total Forum Fees	= \$12,825.00
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The Panel assessed the total forum fees of \$12,825.00 to Respondent.

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.

No administrative costs were incurred in this matter.

Fee Summary

Claimants are jointly and severally liable for:

<u>Initial Filing Fee</u>	= \$ 300.00
<u>Total Fees</u>	= \$ 300.00
<u>Less payments</u>	= \$ 300.00
<u>Balance Due NASD Dispute Resolution</u>	= \$ 0.00

Respondent is solely liable for:

<u>Member Fees</u>	= \$ 5,200.00
<u>Forum Fees</u>	= \$12,825.00
<u>Total Fees</u>	= \$18,025.00
<u>Less payments</u>	= \$ 5,200.00
<u>Balance Due NASD Dispute Resolution</u>	= \$12,825.00

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

ARBITRATION PANEL

<i>Howard N. Kahn, Esq.</i>	-	<i>Public Arbitrator, Presiding Chairperson</i>
<i>Nancy J. Cliff, Esq.</i>	-	<i>Public Arbitrator</i>
<i>Bernard (Bob) L. Loring</i>	-	<i>Non-Public Arbitrator</i>

Concurring Arbitrators' Signatures

/s/
Howard N. Kahn, Esq.
Public Arbitrator, Presiding Chairperson

12/15/03
Signature Date

/s/
Nancy J. Cliff, Esq.
Public Arbitrator

12/16/03
Signature Date

/s/
Bernard (Bob) L. Loring
Non-Public Arbitrator

12/12/03
Signature Date

12/19/03
Date of Service (For NASD Dispute Resolution office use only)

NASD Dispute Resolution.
Arbitration No. 02-04846
Award Page 4 of 4

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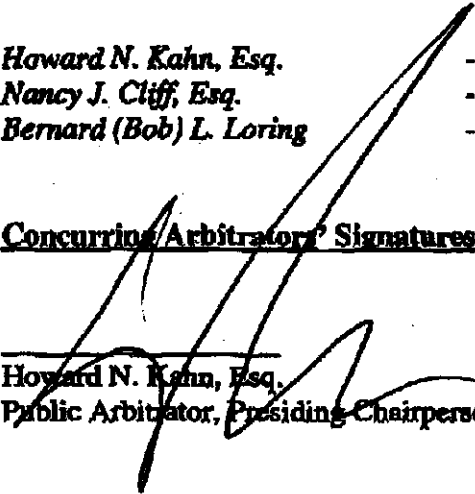
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Nancy J. Cliff, Esq. -
Bernard (Bob) L. Loring -

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Public Arbitrator
Non-Public Arbitrator

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Public Arbitrator, Presiding Chairperson

12/15/03
Signature Date

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Public Arbitrator

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Nancy J. Cliff, Esq.

Bernard (Bob) L. Loring

Public Arbitrator, Presiding Chairperson

Public Arbitrator

Non-Public Arbitrator

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Public Arbitrator, Presiding Chairperson

Nancy J. Cliff, Esq.

Public Arbitrator

Bernard (Bob) L. Loring

Non-Public Arbitrator

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12/16/03
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NASD Dispute Resolution.
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12/12/2003
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