

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 02:05970

Richard Ducharme Jr., Claimant vs. Morgan Stanley, DW Inc., Lonnie Long, and Calvin Whitaker, Respondents.

ATTORNEYS:

Claimant, Richard Ducharme Jr. ("Claimant") appeared Pro Se., Jacksonville, Fl.

Respondents, Morgan Stanley, DW Inc., Lonnie Long and Calvin Whitaker, (collectively "Respondents") appeared through their in-house counsel, Douglas F. Stone, Esq., New York, NY.

DATE FILED: October 1, 2002

CASE SUMMARY: Claimant alleged that Respondents were deliberately negligent with his account for purchases of fund (symbol TEKCX); knowingly misrepresented the particulars of the fund, and failed to disclose the potential risks associated with the investment. Claimant maintained that due to Respondents' actions, he suffered financial losses.

Claim Data

Claim: \$23,100.00
Interest: Unspecified

Filing Fees: \$425.00
Other: Unspecified

Award Data

Award: \$5,268.39
Interest: At the rate of 2% per annum from 01-01-01 to date of award; pre-award and post-award interest at the legal rate then prevailing in Florida if the award is not paid within 30 days of receipt (NASD Code 10330(h)).
Filing Fees: \$212.50
Other: \$.00

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 against Respondents Lonnie Long and Calvin Whitaker are dismissed in their entirety. 2) Respondent, Morgan Stanley, DW Inc. is liable and shall pay to the Claimant \$5268.39. 3) Respondent, Morgan Stanley, DW Inc. is liable and shall pay to the claimant pre-award interest at the rate of 2% per annum from January 1, 2001, to date of award and post-award interest at the legal rate then prevailing in Florida if award is not paid within 30 days of receipt (NASD Code 10330(h)). 4) All other relief requests are denied. 5) The \$425.00 filing fee previously deposited with NASD Dispute Resolution by the claimant, shall be retained by NASD Dispute Resolution. 6) Respondent, Morgan Stanley, DW Inc., is liable and shall pay Claimant \$212.50 as reimbursement of one half of the filing fee.

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OTHER FEES: Pursuant to Rule 10333 of the Code, Respondent, Morgan Stanley, DW Inc., has not paid to NASD Dispute Resolution the \$425.00 Member Surcharge previously invoiced.

Edith N. Dinneen

Sole Public Arbitrator

AFFIRMATION

I, Edith N. Dinneen, 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.

Edith N. Dinneen
Edith N. Dinneen, Esq.

6/24/03
Signature Date

July 9, 2003

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