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BEFORE PACIFIC STOCK EXCHANGE

JOAN HEIDENREICH,

Claimant,

vs.

MORGAN STANLEY DEAN WITTER,
KEVIN MONTOYA and JOHN JABER,

Respondents.

No. 02-S020

STIPULATION AND AWARD

REPRESENTATION OF PARTIES

For Claimant:

Timothy A. Canning
LAW OFFICES OF TIMOTHY A. CANNING
Two Commercial Boulevard, Suite 203
Novato, CA 94949

For Respondents:

Eric G. Wallis
REED SMITH LLP
1999 Harrison Street
Oakland, CA 94612-3572

1 **CASE INFORMATION**

2
3 Statement of Claim filed June 11, 2002.

4
5 Respondents' Answer filed August 27, 2002.

6
7 All parties submitted signed Uniform Submission Agreements.

8
9 Claimant dismissed John Jaber as a party on May 2, 2005.

10
11 **CASE SUMMARY**

12
13 Claimant alleged Respondents were liable to her for damages resulting from
14 Claimant's investments through Respondents and caused by Respondents' acts and omissions
15 including fraud, negligence, breach of contract and breach of fiduciary duty.

16
17 Respondents denied the allegations of wrongdoing and that Claimant was
18 damaged by any act of Respondents, and alleged several affirmative defenses.

19
20 **RELIEF REQUESTED**

21
22 Claimant requested: \$335,000 in compensatory damages, pre-judgment interest,
23 punitive damages, forum fees, costs and attorneys' fees.

24
25 Respondents requested dismissal of the Claimant's Statement of Claim in its
26 entirety.

1 4. All other relief not expressly granted is denied.

2
3
4 DATED: July 12, 2005

REED SMITH LLP

6 By 

Eric G. Wallis
Attorneys for Respondents

8
9 DATED: 6/24, 2005

LAW OFFICES OF TIMOTHY A.
CANNING

11 By 

Timothy A. Canning
Attorneys for Claimant

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16 ARBITRATION PANEL

17
18 Robin L. Berry

-

Public Arbitrator, Chairperson

19
20 Amy L. Seltzer

-

Public Arbitrator, Panelist

21
22 Frank Weaver

-

Industry Arbitrator, Panelist

1 Concurring Arbitrators' Signatures:

2
3
4 DATED: July 26, 2005

5
6 Robin L. Berry
7 Robin L. Berry
8 Public Arbitrator and Chair

9 DATED: _____

10
11
12 Amy L. Seltzer
13 Amy L. Seltzer
14 Public Arbitrator

15 DATED: _____

16
17
18 Frank Weaver
19 Frank Weaver
20 Industry Arbitrator

21
22 Date of Service: _____

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Concurring Arbitrators' Signatures:


DATED: _____

Robin L. Berry
Public Arbitrator and Chair

DATED: _____

Amy L. Seltzer
Public Arbitrator

DATED: 7/23/05



Frank Weaver
Industry Arbitrator

Date of Service: _____