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BEFORE THE PACIFIC EXCHANGE, INC.

LINDA FOX,

Claimant,

vs.

MORGAN STANLEY DEAN WITTER
and H. TODD HARMON,

Respondents.

No. 02-S052

STIPULATION AND AWARD

REPRESENTATION OF PARTIES

For Claimant: George W. Korte
LAW OFFICES OF GEORGE W. KORTE
220 Sansome Street, Suite 1000
San Francisco, CA 94104

For Respondents: Charles F. Harlow
REED SMITH LLP
1999 Harrison Street, 24th Floor
Oakland, CA 94612-3572

1 **CASE INFORMATION**

2
3 **Statement of Claim filed November 1, 2002.**

4
5 **Respondents' Answer filed December 24, 2002.**

6
7 **All parties submitted signed Uniform Submission Agreements.**

8
9 **CASE SUMMARY**

10
11 **Claimant alleged Respondents were liable to her for damages resulting from**
12 **Claimant's investments through Respondents and caused by Respondents' acts and omissions**
13 **including negligence.**

14
15 **Respondents denied the allegations of wrongdoing and that Claimant was**
16 **damaged by any act of Respondents, and alleged several affirmative defenses.**

17
18 **RELIEF REQUESTED**

19
20 **Claimant requested an amount in excess of \$300,000 for compensatory**
21 **damages.**

22
23 **Respondents requested dismissal of the Claimant's Statement of Claim in its**
24 **entirety and the award of costs and attorney's fees.**

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STIPULATION

Claimant has stipulated to a dismissal with prejudice of all claims in this arbitration proceeding, and has further stipulated to a recommendation by the Panel for expungement of this dispute, complaint, and/or arbitration from Respondent Harold Todd Harmon's registration records maintained by the Central Registration Depository ("CRD").

The parties have agreed that this Stipulation and Award may be executed in counterparts.

AWARD/ORDER TO EXPUNGE CRD RECORDS

Pursuant to the stipulation reached by the parties the panel has decided in full and final resolution of the issues submitted for determination as follows:

1. All claims in this case are dismissed with prejudice.

2. The Panel recommends that all reference to the above-captioned arbitration by expunged from Respondent Harold Todd Harmon's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notice to Members 99-09 Respondent Harold Todd Harmon must obtain confirmation of the award from a court of competent jurisdiction before the CRD will execute the directive to expunge.

3. Each party is to bear its own costs and expenses including attorneys' fees, with Morgan Stanley to pay all forum and cancellation fees incurred on or after April 11, 2005.

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

2
3 DATED: April ____, 2005

REED SMITH LLP

5 By

Charles F. Harlow
Attorneys for Respondents

8 DATED: April ____, 2005

LAW OFFICES OF GEORGE W. KORTE

10 By

George W. Korte
Attorneys for Claimant

13 ARBITRATION PANEL

15 Alfred Knoll

Public Arbitrator, Panelist

17 Walter Pettit

Public Arbitrator, Chairperson

19 Robert Fisher

Industry Arbitrator, Panelist

21 Concurring Arbitrators' Signatures:

23 DATED: 8/11/05

25
26 
Alfred Knoll
Public Arbitrator and Chair