

**STIPULATED AWARD  
NASD Dispute Resolution**

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In the Matter of the Arbitration Between

Name of Claimants

Chris Laden as Trustee of the VIP  
Plus Profit Sharing Plan

vs.

03-00633  
Chicago, Illinois

Name of Respondents

Morgan Stanley Dean Witter Inc. and  
Philipp B. Weisskopf

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Nature of the Dispute: Customer vs. Member and Associated Person

REPRESENTATION OF PARTIES

Chris Laden as Trustee of the VIP Plus Profit Sharing Plan ("Claimant") was represented by Ronald Amato, Esq., Shaheen, Novoselsky, Staat & Filipowski, P.C., Chicago, Illinois.

Morgan Stanley Dean Witter Inc. ("Respondent MSDW") and Philipp B. Weisskopf ("Respondent Weisskopf") (collectively "Respondents"), were represented by Jeffrey F. Silverman, Esq., Morgan Stanley Law Department, San Francisco, California.

CASE INFORMATION

The Statement of Claim was filed in February 2003. Submission Agreement of Claimant was signed on January 21, 2003.

Respondents' Statement of Answer was served on April 9, 2003, and their Amended Statement of Answer was served on April 11, 2003. Respondents' Uniform Submission Agreements were signed on October 22, 2003.

CASE SUMMARY

Claimants alleged, *inter alia*, violations of the Illinois Securities Act of 1953 and the Illinois Consumer Fraud and Deceptive Business Practices Act, negligent misrepresentation/omission, failure to supervise and respondeat superior.

Claimant's causes of action are in connection with the alleged mismanagement of the assets in his VIP Plus Profit Sharing Plan.

Respondents denied each of the allegations set forth in the Statement of Claim.

### **RELIEF REQUESTED**

Claimants requested an award of actual damages in the amount of \$71,892.33, plus interest, and attorneys' fees.

Respondents requested that the claims asserted against them be denied in their entirety, that this matter be expunged from the CRD record of Respondent Weisskopf, and that they be awarded their costs and attorneys' fees.

### **OTHER ISSUES CONSIDERED & DECIDED**

The parties have entered into a Stipulation wherein they agreed;

- To dismiss, with prejudice, all claims asserted against Respondents;
- That Claimant does not oppose Respondents' request for an order expunging any reference of this matter from the public and non-public NASD and Central Registration Depository ("CRD") records of Respondent Weisskopf.
- Each party shall bear its own costs and attorney's fees. The NASD shall retain any fees already paid by the parties, subject to either party's right, under the Code, to obtain complete or partial refund of fees paid.

The parties have agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered. In either case, the parties have agreed to receive conformed copies of the award while the original(s) remain on file with the NASD Dispute Resolution (the "NASD").

### **AWARD**

The parties have agreed to the following stipulation and order:

1. The Claimant dismisses, with prejudice, all claims asserted against Respondents Morgan Stanley DW Inc. and individual Respondent Phillip B. Weisskopf;
2. The undersigned arbitrators hereby issue an order expunging any reference of this matter from Respondent Phillip B. Weisskopf's Form U-4 on file with the Central Registration Depository

**FEES**

Pursuant to 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 = \$ 250.00

**Member Fees**

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. In this matter, the member firm(s) is Morgan Stanley DW Inc.

Member surcharge	\$ 1,100.00
Pre-hearing process fee	\$ 750.00
Hearing processing fee	\$ 1,700.00

**Adjournment Fees**

Adjournments requested during these proceedings:

Hearing Date(s), January 10-12, 2005.

Fee waived pursuant to Rule 10403(b) of the NASD Code of Arbitration Procedure. = \$750.00

**Forum Fees and Assessments**

The Arbitration Panel assesses forum fees for each hearing session conducted. A hearing session is any meeting between the parties and the arbitrator(s), including a pre-hearing conference with the arbitrator(s), that lasts four (4) hours or less. Fees associated with these proceedings are:

2 Pre-hearing sessions with Panel x \$ 750.00	\$ 1,500.00
· Date: October 16, 2003	
· Date: June 7, 2004	
Total Forum Fees	\$ 1,500.00

The Arbitration Panel has assessed \$ 750.00 of the forum fees to Claimant Chris Laden.

The Arbitration Panel has assessed \$ 750.00 of the forum fees to Morgan Stanley DW Inc.

**Fee Summary**

Claimant shall be and hereby is jointly and severally liable for:

Initial Filing Fee	= \$	225.00
Last minute adjournment fee	= \$	150.00
<u>Forum Fees</u>	= \$	750.00
Total Fees	= \$	1,125.00
<u>Less payments</u>	= \$	975.00
Balance due to NASD Dispute Resolution	= \$	150.00

Respondent, Morgan Stanley DW Inc., shall be and hereby is liable for:

Member Fees	= \$	1,850.00
Last minute adjournment fee	= \$	150.00
<u>Forum Fees</u>	= \$	750.00
Total Fees	= \$	3,700.00
<u>Less payments</u>	= \$	1,850.00
Balance Due NASD Dispute Resolution	= \$	1,850.00

All balances are due to NASD Dispute Resolution

**ARBITRATION PANEL**

James P. O'Donnell, Public Arbitrator, Presiding Chair  
Joseph P. Yaney J.D, PHD, Public Arbitrator  
William J. Bayer -- Non- Public Arbitrator

Concurring Arbitrators:

\_\_\_\_\_  
James P. O'Donnell  
Public Arbitrator, Presiding Chair

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Joseph P. Yaney J.D, PHD  
Public Arbitrator

\_\_\_\_\_  
Signature Date

NASD Dispute Resolution, Inc.  
Arbitration No. 03-00633  
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William J. Bayer  
Non-Public Arbitrator

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Signature Date

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William J. Bayer - Non- Public Arbitrator

Concurring Arbitrators:

James P. O'Donnell  
Public Arbitrator, Presiding Chair

  
Joseph P. Yancy J.D, PHD  
Public Arbitrator

Signature Date

  
5 AUG 2005  
Signature Date

NASD-Dispute Resolution, Inc.  
Arbitration No. 03-00439  
Edward J. Beyer

William J. Beyer  
Non-Facilitator

8/02/05  
Signature Date