
Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant

Patsy L. Coleman, Individually and
as Trustee

Case Number: 03-01680

Names of the Respondents

Joel Carl Pearson
Morgan Stanley Dean Witter

Hearing Site: Orlando, Florida

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

REPRESENTATION OF PARTIES

For Patsy L. Coleman, Individually and as Trustee, hereinafter referred to as "Claimant":
Terence R. Perkins, Esq., Smith, Hood, Perkins, Loucks, Stout and Orfinger, Daytona Beach,
Florida.

For Morgan Stanley Dean Witter, ("MS") and Joel Carl Pearson ("Pearson") hereinafter referred
to as "Respondents": Tucker Byrd, Esq., Greenberg Traurig, P.A., Orlando, Florida.

CASE INFORMATION

Statement of Claim filed on or about: March 10, 2003.

Claimant signed the Uniform Submission Agreement: April 3, 2003.

Respondents' Statement of Answer and Motion to Dismiss filed on or about: June 20, 2003.

Respondent MS signed the Uniform Submission Agreement: May 30, 2003.

Respondent Pearson signed the Uniform Submission Agreement: October 27, 2003.

Claimant's Response to Respondents' Motion to Dismiss filed on or about: November 6, 2003.

Respondents' Reply to Claimant's Response to Respondents' Motion to Dismiss filed on or
about November 17, 2003.

CASE SUMMARY

Claimant asserted the following causes of action: 1) churning; 2) fraud; 3) unsuitability; 4)
misrepresentation; 5) breach of contract; 6) breach of fiduciary duty; 7) failure to supervise; 8)
unauthorized trading; and, 9) omission of fact. The causes of action relate to Claimant's
investments in various unspecified construction loans and margin accounts.

Unless specifically admitted in their Answer, Respondents denied the allegations made in the Statement of
Claim, and asserted various affirmative defenses.

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RELIEF REQUESTED

Claimant requested: 1) compensatory damages exceeding \$50,000.00; 2) lost principle 3) lost income; 4) interest; 5) costs; and, 6) attorneys' fees.

Respondents requested that the Statement of Claim be dismissed in its entirety.

OTHER ISSUES CONSIDERED AND DECIDED

On or about February 25, 2004, the Panel issued an order that denied Respondents' Motion to Dismiss.

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

During the evidentiary hearings, the parties stipulated that any non-named parties relative to this case may not bring litigation as a result of the findings of this arbitration, and that the Panel's findings are the end of this matter.

The panel concludes that Claimant's claims are denied in their entirety. Any and all requests for relief not specifically addressed herein, including Claimant's request for attorneys' fees, 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 = \$ 175.00

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. Accordingly, Respondent MS is a party and a member firm.

Member surcharge = \$ 875.00

Pre-hearing process fee = \$ 750.00

Hearing process fee = \$1,000.00

Total Member Fees = \$2,625.00

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Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

June 7 – 9, 2004:	adjournment requested by Claimant	= \$ 600.00
August 25 – 26, 2004:	adjournment jointly requested	= \$ 600.00
Total Adjournment Fees		= \$ 1,200.00

The Panel has assessed the total adjournment fees of \$1200.00 to Claimant.

Three-Day Cancellation Fees

Fees apply when a hearing on the merits is postponed or settled within three business days before the start of a scheduled hearing session:

There were no three-day cancellation fees assessed during these proceedings.

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.

There were no injunctive relief fees assessed during these proceedings.

Forum Fees and Assessments

The Panel has assessed forum fees for each session conducted. A 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:

One (1) Pre-hearing session with one arbitrator @ \$ 450.00/session	= \$ 450.00
Pre-hearing conference: October 17, 2003 1 session	
Two (2) Pre-hearing sessions with the Panel @ \$ 600.00/session	= \$ 1,200.00
Pre-hearing conferences: February 3, 2004 1 session	
February 24, 2004 1 session	
Three (3) Hearing sessions with the Panel @ \$600.00/session	= \$ 1,800.00
Hearing Date: November 15, 2005 3 sessions	
<hr/>	
Total Forum Fees	= \$3,450.00

The Panel has assessed the total forum fees of \$3,450.00 to Claimant.

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.

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There were no administrative costs incurred during these proceedings.

Fee Summary

Claimant is solely liable for:

Initial Filing Fee	= \$ 175.00
Forum Fees	= \$3,450.00
Adjournment Fees	= \$1,200.00
Total Fees	= \$ 4,825.00
<u>Less payments</u>	<u>= \$ 1,700.00</u>
Balance Due NASD Dispute Resolution	= \$ 3,125.00

Respondent MS is solely liable for:

<u>Member Fees</u>	<u>= \$ 2,625.00</u>
Total Fees	= \$ 2,625.00
<u>Less payments</u>	<u>= \$ 2,625.00</u>
Balance Due NASD Dispute Resolution	= \$ 0.00

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

ARBITRATION PANEL

Jack A. Helms
Kenneth J. Bennett
Robert H. Nelson

Public Arbitrator, Presiding Chairperson
Public Arbitrator
Non-Public Arbitrator

Concurring Arbitrators' Signatures

/s/
Jack A. Helms
Public Arbitrator, Presiding Chairperson

November 23, 2005
Signature Date

/s/
Kenneth J. Bennett
Public Arbitrator

November 25, 2005
Signature Date

/s/
Robert H. Nelson
Non-Public Arbitrator

November 23, 2005
Signature Date

November 28, 2005
Date of Service (For NASD Dispute Resolution office use only)

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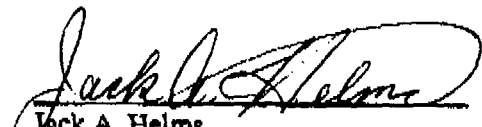
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Kenneth J. Bennett
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Public Arbitrator
Non-Public Arbitrator

Concurring Arbitrators' Signatures


Jack A. Helms
Public Arbitrator, Presiding Chairperson

11/23/05
Signature Date

Kenneth J. Bennett
Public Arbitrator

Signature Date

Robert H. Nelson
Non-Public Arbitrator

Signature Date

Date of Service (For NASD Dispute Resolution office use only)

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Kenneth J. Bennett
Robert H. Nelson

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Public Arbitrator
Non-Public Arbitrator

Concurring Arbitrators' Signatures

Jack A. Helms
Public Arbitrator, Presiding Chairperson

Signature Date

Kenneth J. Bennett
Kenneth J. Bennett
Public Arbitrator

11/25/05
Signature Date

Robert H. Nelson
Non-Public Arbitrator

Signature Date

Award Page 4

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Kenneth J. Bennett
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Non-Public Arbitrator


Concurring Arbitrators' Signatures

Jack A. Helms
Public Arbitrator, Presiding Chairperson

Signature Date

Kenneth J. Bennett
Public Arbitrator

Signature Date


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