

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimants

Richard A. Cooter
Edward J. Cooter Trust

Case Number: 03-03253

Name of the Respondent

Morgan Stanley DW, Inc.
David Parent

Hearing Site: Washington, DC

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

REPRESENTATION OF PARTIES

Claimants, Richard A. Cooter ("Cooter") and the Edward J. Cooter Trust (the "Trust"), hereinafter collectively referred to as "Claimants", were not represented by counsel and Cooter appeared at the hearing *pro se*.

Respondents, Morgan Stanley DW, Inc. ("MSDW") and David Parent ("Parent"), hereinafter collectively referred to as "Respondents", were represented by Gary E. Jackson, Esq., Morgan Stanley DW, Inc., New York, New York.

CASE INFORMATION

Statement of Claim filed on April 28, 2003.

Claimant Cooter signed the Uniform Submission Agreement on April 23, 2003.

Claimant Cooter signed the Uniform Submission Agreement as Trustee of the Edward J. Cooter Trust on May 12, 2003.

Joint Statement of Answer filed by Respondents on July 7, 2003.

A representative of Respondent MSDW executed the Uniform Submission Agreement on July 7, 2003.

Respondent Parent did not file a signed Uniform Submission Agreement.

CASE SUMMARY

Claimants asserted the following causes of action, among others: breach of contract, negligence, failure to supervise, suitability, and misrepresentation. The causes of action relate to the purchase of various securities including MCI IQUIP.

Unless specifically admitted in their Answer, Respondents denied the allegations made in the Statement of Claim and asserted the following defenses, among others: the Statement of Claim fails to state a claim upon which relief may be granted, and failure to mitigate damages.

RELIEF REQUESTED

Claimants in their Statement of Claim requested:

Compensatory Damages	\$73,716.00
Punitive Damages	\$25,000.00
Interest	\$ 6,800.00

Respondents in their Statement of Answer requested: that the Statement of Claim be dismissed in its entirety, that Respondents be awarded the costs and expenses of this arbitration and that the Arbitration Panel (the "Panel") recommend the expungement of this claim from Respondent Parent's record maintained by the NASD Central Registration Depository ("CRD").

OTHER ISSUES CONSIDERED AND DECIDED

Respondent Parent did not file with NASD Dispute Resolution, a properly executed submission to arbitration but is required to submit to arbitration pursuant to the Code and, having answered the claim, appeared and testified at the hearing, is bound by the determination of the Panel on all issues submitted.

The Panel believes that the Respondents should be encouraged to improve new account information, record-keeping, and client profiles (including risk tolerance).

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.

AWARD

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

1. All claims against Respondents MSDW and Parent are denied in their entirety;
2. All claims for punitive damages and attorneys' fees are denied in their entirety
3. The parties shall bear their respective costs, including attorneys' fees, except as Fees are specifically addressed below; and,
4. Any and all relief not specifically addressed herein is denied in its entirety.

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 = \$ 225.00

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firms that employed the associated person(s) at the time of the events giving rise to the dispute. Accordingly, MSDW is a party.

Member surcharge	= \$1,100.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$1,700.00
Total Member Fees	= \$3,550.00

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 Panel @ \$750.00	= \$ 750.00
Pre-hearing conference: February 23, 2004 1 session	

Four (4) Hearing sessions @ \$750.00	= \$3,000.00
Hearing Dates: May 12, 2004 2 sessions	
May 13, 2004 2 sessions	

Total Forum Fees	= \$3,750.00
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1. The Panel has assessed \$1,875.00 of the forum fees to Claimants.
2. The Panel has assessed \$1,875.00 of the forum fees jointly and severally to Respondents MSDW and Parent.

FEE SUMMARY

1. Claimant is assessed and shall pay the following fees:

Initial Filing Fee	= \$ 225.00
Forum Fees	= \$1,875.00
Total Fees	= \$2,100.00
Less payments	= \$1,000.00
Balance Due NASD Dispute Resolution	= \$1,100.00

2. Respondent MSDW is assessed and shall pay the following fees:

Member Fees	= \$3,550.00
Total Fees	= \$3,550.00
Less payments	= \$3,550.00
Balance Due NASD Dispute Resolution	= \$ 00.00

4. Respondents are jointly and severally assessed and shall pay the following fees:

Concurring Arbitrators' Signatures

Maureen Power Wilkerson
Maureen Power Wilkerson, Esq
Public Arbitrator, Presiding Chairperson

5/21/04
Signature Date

Fred C. Samuelson
Fred C. Samuelson
Public Arbitrator, Panelist

Signature Date

Oscar W. Carlson, Jr.
Oscar W. Carlson, Jr.
Non-Public Arbitrator, Panelist

Signature Date

5/25/04
Date of Service (For NASD Dispute Resolution office use only)

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Concurring Arbitrators' Signatures

Maureen Power Wilkerson, Esq
Public Arbitrator, Presiding Chairperson

Signature Date



Fred C. Samuelson
Public Arbitrator, Panelist

5/19/04

Signature Date

Oscar W. Carlson, Jr.
Non-Public Arbitrator, Panelist

Signature Date

5/25/04

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

Forum Fees	= \$1,875.00
Total Fees	= \$1,875.00
Less payments	= \$ 00.00
Balance Due NASD Dispute Resolution	= \$1,875.00

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

ARBITRATION PANEL

Maureen Power Wilkerson, Esq.	-	Public Arbitrator, Presiding Chairperson
Fred C. Samuelson	-	Public Arbitrator, Panelist
Oscar W. Carlson, Jr.	-	Non-Public Arbitrator, Panelist

Concurred - Oscar W. Carlson Jr.
May 20, 2004

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