

**NASD DISPUTE RESOLUTION AWARD**

**NASD DISPUTE RESOLUTION**

CASE: 03-03562

Abdul Khalil Rashidzada, Claimant vs. Morgan Stanley DW Inc. and John Ulrich, Respondents.

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**ATTORNEYS:**

For Claimant, Abdul Khalil Rashidzada, ("Claimant"), appeared John T. McGuire, Esq., New York, NY.

Respondents, Morgan Stanley DW Inc. and John Ulrich, ("Respondents"), appeared through their in-house counsel Keith Guifoyle, Esq., New York, NY.

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**NATURE OF DISPUTE:** Customer v. Member and Associated Person

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**DATE FILED:** May 14, 2003

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**CASE SUMMARY:** Claimant alleged that Respondents failed to execute his order to buy stock in WorldCom and that in doing so Respondent breached its contract to him. Claimant maintained that due to Respondents' actions, his personal account suffered financial losses.

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**ARBITRATOR'S REPORT:**

1. Claim denied. Respondent complied with terms of Client Services Agreement. (Paragraph V.B.)
2. Fees assessed against Respondent Morgan Stanley DW, Inc. because of failure to respond to Claimant's document requests (which would not have changed the outcome of the case).

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**Claim Data**

Claim: \$25,000.00

Non-monetary relief: referral to regulatory agency for refusal to comply with request for documents

Attorney Fees: Unspecified

Filing Fees: \$450.00

Other: Unspecified

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**Award Data**

Award: \$.00

Non-monetary relief: denied

Attorney Fees: \$.00

Filing Fees: \$425.00

Other: \$.00

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**AWARD:** The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) The claims of Claimant are dismissed in their entirety. 2) All requests for attorney fees are denied. 3) The arbitrator recommends the expungement of all reference to the above captioned arbitration from Respondent John Ulrich registration records maintained by the NASD Central Registration Depository ('CRD'), with the understanding that pursuant to NASD Notice to Members 99-09, Respondent John Ulrich must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive. 4) All other relief requests are denied. 5) NASD Dispute Resolution shall retain the \$425.00 filing fee that the Claimant deposited previously. 6) Respondent Morgan Stanley, DW Inc. is liable and shall pay Claimant \$425.00 as reimbursement of the filing fee.

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**OTHER FEES:** Pursuant to Rule 10333 of the Code, Respondent Morgan Stanley DW, Inc. has paid to NASD Dispute Resolution the \$425.00 Member Surcharge previously invoiced.

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Charles L. Prothero, III, Esq.

**Sole Public Arbitrator**

## **AFFIRMATION**

I, Charles L. Prothero, III, Esq., do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein, and who executed this instrument which is my award.

Charles L. Prothero, III, Esq.

3/12/04  
Signature Date

April 1, 2004

Date of Service (For NASD-DR office use only)