

Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Names of the Claimants

Jeffrey Cohen individually and o/b/o his IRA
Karen Cohen IRA

Case Number: 03-03896

Names of the Respondents

Morgan Stanley Dean Witter, Inc.
John Proseri

Hearing Site: Washington, D.C.

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

REPRESENTATION OF PARTIES

Claimants, Jeffrey Cohen individually and o/b/o his IRA and Karen Cohen IRA, hereinafter collectively referred to as "Claimants", were represented by Robert Weiss, Esq., and Stephen Murakami, Esq., Hooper & Weiss, LLC, Jericho, New York.

Respondents, Morgan Stanley Dean Witter, Inc. ("Morgan Stanley") and John Proseri ("Proseri"), hereinafter collectively referred to as "Respondents", were represented by William D. Briendel, Esq., Greenberg Traurig, LLP, New York, New York.

CASE INFORMATION

Statement of Claim filed on May 28, 2003.

Claimants signed the Uniform Submission Agreement on May 22, 2003.

Statement of Answer filed by Respondents on August 6, 2003.

Respondents did not file Uniform Submission Agreements.

CASE SUMMARY

Claimants asserted the following causes of action: unsuitability, violation of NASD suitability rule, over-concentration, breach of contract, common law fraud, breach of fiduciary duty, negligence, violation of the Securities Exchange Act of 1934, failure to supervise, control person liability, and *respondeat superior*. The causes of action relate to the purchase and sale of various unspecified stocks, bonds, and mutual funds in Claimants' accounts.

Unless specifically admitted in their Statement of Answer, Respondents denied the allegations made in the Statement of Claim and asserted the following defenses: failure to mitigate damages, waiver, laches, estoppel, and ratification.

RELIEF REQUESTED

Claimants in their Statement of Claim requested:

Compensatory Damages	\$600,000.00
Punitive Damages	amount unspecified
Interest	amount unspecified
Attorneys' Fees	amount unspecified
Other Costs	amount unspecified

Respondents in their Statement of Answer requested that the Arbitration Panel (the "Panel") dismiss the Statement of Claim in its entirety and award Respondents costs.

OTHER ISSUES CONSIDERED AND DECIDED

Respondents did not file with NASD Dispute Resolution, properly executed submissions to arbitration but are required to submit to arbitration pursuant to the Code and are bound by the determination of the Panel on all issues submitted.

Prior to the hearing, the Parties fully and finally settled all claims by and between them. The Parties submit this Stipulated Award to the Panel and request that all references to this arbitration be expunged from Respondent Prosperi's record maintained by the NASD Central Registration Depository ("CRD").

The parties have agreed that the Stipulated Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered.

AWARD

Pursuant to the above, the Panel has decided in full and final settlement of the matters submitted for determination as follows:

1. Pursuant to the General Release and Settlement Agreement between the parties, all claims against Respondents Morgan Stanley and Prosperi are dismissed with prejudice;
2. The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Prosperi's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondent Prosperi must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.
3. All claims for punitive damages are denied in their entirety;
4. The parties shall bear their respective costs, including attorneys' fees, except as Fees are specifically addressed below; and
5. 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 = \$ 375.00

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, Respondent Morgan Stanley is a party.

Member surcharge	= \$2,250.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$4,000.00
Total Member Fees	= \$7,000.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

November 2-5, 2004 adjournment to mediate requested by all parties = \$1,200.00

May 23-26, 2005 adjournment requested by Morgan Stanley = \$1,200.00

1. The Panel has assessed \$600.00 of the adjournment fees to Claimants.
2. The Panel has assessed \$1,500.00 of the adjournment fees to Respondent Morgan Stanley.
3. The Panel has assessed \$300.00 of the adjournment fees to Respondent Properi.

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:

Two (2) Pre-hearing conferences with Panel @ \$1,200.00 = \$2,400.00

Pre-hearing conferences:	February 18, 2004	1 session
	March 17, 2006	1 session

Total Forum Fees = \$2,400.00

1. The Panel has assessed \$1,200.00 of the forum fees jointly and severally to Claimants.
2. The Panel has assessed \$1,200.00 of the forum fees jointly and severally to Respondents.

1. Claimants are jointly and severally assessed and shall pay the following fees:

Initial Filing Fee	= \$ 375.00
Adjournment Fee	= \$ 600.00
Forum Fees	= \$1,200.00
Total Fees	= \$2,175.00

Less payments	= \$1,700.00
Balance Due NASD Dispute Resolution	= \$ 475.00

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

Member Fees	= \$7,000.00
Adjournment Fees	= \$1,500.00
Total Fees	= \$8,500.00
Less payments	= \$7,000.00
Balance Due NASD Dispute Resolution	= \$1,500.00

3. Respondent Prosperi is assessed and shall pay the following fees:

Adjournment Fee	= \$ 300.00
Total Fees	= \$ 300.00
Less payments	= \$ 00.00
Balance Due NASD Dispute Resolution	= \$ 300.00

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

Forum Fees	= \$ 600.00
Total Fees	= \$ 600.00
Less payments	= \$ 00.00
Balance Due NASD Dispute Resolution	= \$ 600.00

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

ARBITRATION PANEL

Laura D. Schuldt	-	Public Arbitrator, Presiding Chairperson
Diane S. Gold, J.D.	-	Public Arbitrator, Panelist
Wendie L. Wachtel	-	Non-Public Arbitrator, Panelist

NASD Dispute Resolution
Arbitration No. 03-03896
Award Page 5

Concurring Arbitrators' Signatures



Laura D. Schuldt

Public Arbitrator, Presiding Chairperson

3-17-06

Signature Date

Diane S. Gold, J.D.

Public Arbitrator, Panelist

Signature Date

Wendie L. Wachtel

Non-Public Arbitrator, Panelist

Signature Date

3/17/06

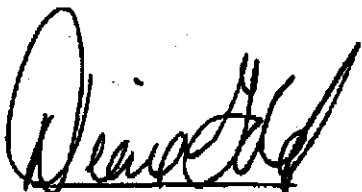
Date of Service (For NASD Dispute Resolution office use only)

NASD Dispute Resolution
Arbitration No. 03-03896
Award Page 5

Concurring Arbitrators' Signatures

Laura D. Schuldt
Public Arbitrator, Presiding Chairperson

Signature Date


Diane S. Gold, J.D.
Public Arbitrator, Panelist

3/17/06
Signature Date

Wendie L. Wachtel
Non-Public Arbitrator, Panelist

Signature Date

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

NASD Dispute Resolution

Arbitration No. 03-03896

Award Page 5

Concurring Arbitrators' Signatures

Laura D. Schuldt

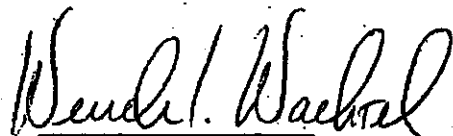
Public Arbitrator, Presiding Chairperson

Signature Date

Diane S. Gold, J.D.

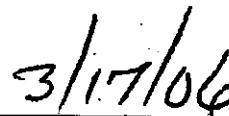
Public Arbitrator, Panelist

Signature Date



Wendie L. Wachtel

Non-Public Arbitrator, Panelist



Signature Date

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