
Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant
Benjamin Cobrin

Case Number: 03-03915

Names of the Respondents
Morgan Stanley Dean Witter Co.
Thomas L. Chalmers

Hearing Site: Boca Raton, Florida

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

REPRESENTATION OF PARTIES

For Benjamin Cobrin, hereinafter referred to as "Claimant": David S. Ratner, Esq., Benedict P. Morelli & Associates P.C., New York, New York.

For Morgan Stanley Dean Witter Co. ("MSDW") and Thomas L. Chalmers ("Chalmers"), hereinafter collectively referred to as "Respondents": Hugo A. Hilgendorff IV, Esq., Bressler, Amery & Ross, P.C., Florham Park, New Jersey.

CASE INFORMATION

Statement of Claim filed on or about: June 2, 2003.

Claimant signed the Uniform Submission Agreement: May 9, 2003.

Statement of Answer filed by Respondents on or about: September 19, 2003.

Respondents MSDW and Chalmers did not file executed Uniform Submission Agreements.

CASE SUMMARY

Claimant asserted the following causes of action: 1) violation of NASD Rules; 2) negligence and omissions; 3) breach of fiduciary duty; and, 4) breach of contract. The causes of action relate to the purchase of Consec bonds in Claimant's account.

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

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$190,223.32, punitive damages in the amount of \$10,000,000.00, interest compounded monthly at the rate of 7.5%, restitution of margin interest paid after January 25, 2001, costs and attorney's fees.

Respondents requested that the Statement of Claim be dismissed in its entirety, with prejudice and an award of costs and other and further relief as the Panel deemed just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

Respondents MSDW and Chalmers did not file with NASD Dispute Resolution properly executed submissions to arbitration but are required to submit to arbitration pursuant to the NASD Code of Arbitration Procedure (the "Code") and, having answered the claim, are bound by the determination of the Panel on all issues submitted.

On or about October 1, 2004, the parties informed NASD Dispute Resolution that they had settled this matter and that they would be submitting a proposed Stipulated Award.

On or about November 12, 2004, the parties submitted to NASD Dispute Resolution a proposed Stipulated Award with a request for expungement of the NASD Central Registration Depository (the "CRD") record of Respondent Chalmers.

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

AWARD

After considering the pleadings and the proposed Stipulated Award with request for expungement, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

Respondents are dismissed, with prejudice. Claimant and Respondent MSDW have entered into a confidential settlement agreement which shall be complied with by the parties.

The Panel recommends the expungement of all references to the above captioned arbitration from Respondent Chalmer's registration records maintained by the NASD CRD, with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondent Chalmers must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

Each party shall bear its own costs and expenses associated with the above referenced arbitration.

Any and all claims for relief not specifically addressed herein, including Claimant's requests for punitive damages and attorney's fees, are denied.

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 = \$ 600.00

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm that employed the associated person at the time of the events giving rise to the dispute. Accordingly, Respondent MSDW is a party to this dispute and was a member of NASD at the time the following fees were assessed:

Member surcharge	= \$3,750.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$5,500.00

Adjournment Fees

No requests for adjournments were filed in this matter.

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:

Cancellation fees assessed in this matter:

Claimant = \$150.00

Respondents, jointly and severally = \$150.00

Injunctive Relief Fees

No injunctive relief fees were incurred during this proceeding.

Forum Fees and Assessments

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

One (1) Pre-hearing session with a single arbitrator @ \$450.00	= \$ 450.00
Pre-hearing conference: July 8, 2004 1 session	
One (1) Pre-hearing session with the Panel @ \$1,200.00	= \$1,200.00
Pre-hearing conference: January 5, 2004 1 session	
Total Forum Fees	= \$1,650.00

The Panel has assessed \$825.00 of the forum fees to Claimant.

The Panel has assessed \$825.00 of the forum fees jointly and severally to Respondents.

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.

No administrative costs were incurred during this proceeding.

Fee Summary

Claimant is solely liable for:

Initial Filing Fee	= \$ 600.00
Retained Hearing Session Deposit	= \$ 375.00
Three Day Cancellation Fee	= \$ 150.00
<u>Forum Fees</u>	<u>= \$ 825.00</u>
Total Fees	= \$ 1,950.00
<u>Less payments</u>	<u>= \$ 1,800.00</u>
Balance Due NASD Dispute Resolution	= \$ 150.00

Respondent MSDW is solely liable for:

Member Fees	= \$ 10,000.00
Total Fees	= \$ 10,000.00
<u>Less payments</u>	<u>= \$ 10,000.00</u>
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondents are jointly and severally liable for:

Three Day Cancellation Fee	= \$ 150.00
<u>Forum Fees</u>	<u>= \$ 825.00</u>
Total Fees	= \$ 975.00
<u>Less payments</u>	<u>= \$ 0.00</u>
Balance Due NASD Dispute Resolution	= \$ 975.00

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

ARBITRATION PANEL

Walter B. Bancroft	-	Public Arbitrator, Presiding Chairperson
Frederick P. Hartman, CPA	-	Public Arbitrator
Donald R. McGahan	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

/s/
Walter B. Bancroft
Public Arbitrator, Presiding Chairperson

11/17/04
Signature Date

/s/
Frederick P. Hartman, CPA
Public Arbitrator

11/18/04
Signature Date

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/s/
Donald R. McGahan
Non-Public Arbitrator

12/03/04
Signature Date

12/09/04
Date of Service (For NASD Dispute Resolution office use only)

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FL ARBITRATION

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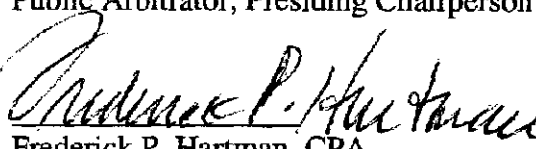
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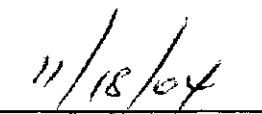
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