
Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant

Lynn C. Wright

Case Number: 03-03976

Names of the Respondents

Morgan Stanley DW, Inc.

John C. Yates

Hearing Site: Orlando, Florida

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

REPRESENTATION OF PARTIES

For Lynn C. Wright, hereinafter referred to as "Claimant": Michael B. Lynch, Esq., Hooper & Weiss, L.L.C., Orlando, Florida.

For Morgan Stanley DW, Inc. ("MSDW") and John C. Yates ("Yates"), hereinafter collectively referred to as "Respondents": Jon A. Jacobson, Esq., Greenberg Traurig, P.A., West Palm Beach, Florida.

CASE INFORMATION

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

Claimant signed the Uniform Submission Agreement: March 19, 2003.

Statement of Answer and Defenses filed by Respondents on or about: August 14, 2003.

Respondent MSDW signed the Uniform Submission Agreement: August 14, 2003.

Respondent Yates signed the Uniform Submission Agreement: August 14, 2003.

CASE SUMMARY

Claimant alleged the following causes of action: 1) unsuitability; 2) negligence; 3) breach of contract; 4) breach of fiduciary duty; 5) respondeat superior; 6) violation of NASD Conduct Rule 2110; 7) failure to supervise; and 8) omissions and misrepresentations. The causes of action relate to investments in shares of stock, including but not limited to, America Online, GlobalStar Telecommunications and NetManager, Inc.

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

RELIEF REQUESTED

Claimant requested: 1) compensatory damages in the amount of \$268,233.10; 2) punitive damages; 3) attorneys' fees; 4) costs; and 5) such other relief the undersigned arbitrators (the "Panel") deemed just and proper.

Respondents requested: 1) dismissal of the Statement of Claim in its entirety; 2) expungement of all reference to the above captioned arbitration from Respondent Yates' registration records maintained by the NASD Central Registration Depository ("CRD"); and 3) that the Panel award judgment in favor of Respondents.

OTHER ISSUES CONSIDERED AND DECIDED

On or about June 10, 2005, Claimant filed her notice of settlement advising that the parties have reached a settlement agreement.

On or about October 6, 2005, the parties filed a Stipulated Motion to Re-Open Matter and for Award Directing Expungement. On or about November 1, 2005, the Panel granted the motion and expungement relief in favor of Respondent Yates.

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

AWARD

After considering the pleadings and the parties' Stipulated Motion to Re-Open Matter and for Award Directing Expungement, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

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

FEES

Pursuant to the NASD Code of Arbitration Procedure (the "Code"), the following fees are assessed:

Filing Fees

NASD will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee = \$ 300.00

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 member firm and a party.

Member surcharge	= \$1,700.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$2,750.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

There were no adjournments requested during these proceedings for which fees were assessed.

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:

The parties notified NASD Dispute Resolution of their settlement agreement within three business days before the start of the scheduled hearing session. The Panel assessed the Three-Day Cancellation Fee in the amount of \$300.00 as follows: \$150.00 to Claimant and \$150.00 jointly and severally to Respondents.

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 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 Panel @ \$1,125.00 per session	= \$1,125.00
Pre-hearing conference: November 20, 2003 1 session	

Total Forum Fees	= \$1,125.00
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The Panel has assessed forum fees in the amount of \$562.50 to Claimant.

The Panel has assessed forum fees in the amount of \$562.50 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.

There were no administrative costs incurred during these proceedings.

Fee Summary

Claimant is solely liable for:

Initial Filing Fee	= \$ 300.00
Three-Day Cancellation Fee	= \$ 150.00
Retained Hearing Session Deposit per Rule 10332 of the Code	= \$ 562.60
<u>Forum Fees</u>	<u>= \$ 562.50</u>
Total Fees	= \$1,575.00
<u>Less payments</u>	<u>= \$1,575.00</u>
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent MSDW is solely liable for:

<u>Member Fees</u>	<u>= \$5,200.00</u>
Total Fees	= \$5,200.00
<u>Less payments</u>	<u>= \$5,200.00</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>= \$ 562.50</u>
Total Fees	= \$ 712.50
<u>Less payments</u>	<u>= \$ 712.00</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

<i>Thomas Joseph Atkinson, Sr., J.D.</i>	-	<i>Public Arbitrator, Presiding Chairperson</i>
<i>Jack A. Helms</i>	-	<i>Public Arbitrator</i>
<i>William H. McCullough</i>	-	<i>Non-Public Arbitrator</i>

Concurring Arbitrators' Signatures

_____/s/
Thomas Joseph Atkinson, Sr., J.D.
Public Arbitrator, Presiding Chairperson

November 7, 2005
Signature Date

_____/s/
Jack A. Helms
Public Arbitrator

November 6, 2005
Signature Date

/s/
William H. McCullough
Non-Public Arbitrator

November 7, 2005
Signature Date

November 8, 2005
Date of Service (For NASD Dispute Resolution office use only)

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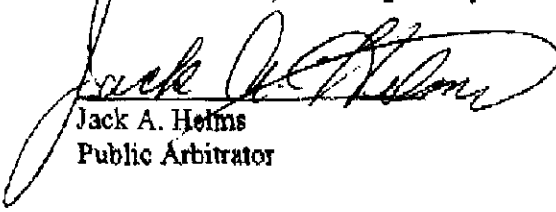
- Public Arbitrator, Presiding Chairperson

- Public Arbitrator

- Non-Public Arbitrator

Concurring Arbitrators' Signatures

Thomas Joseph Atkinson, Sr., J.D.
Public Arbitrator, Presiding Chairperson


Jack A. Helms
Public Arbitrator

Signature Date



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Jack A. Helms	-	Public Arbitrator
William H. McCullough	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures



Thomas Joseph Atkinson, Sr., J.D.
Public Arbitrator, Presiding Chairperson

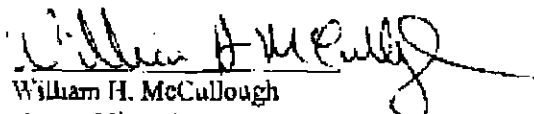
11-7-05

Signature Date

Jack A. Helms
Public Arbitrator

Signature Date

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William H. McCullough
Non Public Arbitrator

11-7-05
Signature Date

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