
Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant
John Bridgman

Case Number: 03-04027

Names of the Respondents
Morgan Stanley Dean Witter
James Streitmatter

Hearing Site: Boca Raton, Florida

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

REPRESENTATION OF PARTIES

For John Bridgman, hereinafter referred to as "Claimant": Alan J. Foxman, Esq., The Law Offices of Alan J. Foxman, P.A., Boca Raton, Florida.

For Morgan Stanley Dean Witter ("MSDW") and James Streitmatter ("Streitmatter"), hereinafter collectively referred to as "Respondents": Todd A. Zuckerbrod, Esq., Greenberg Traurig, P.A., West Palm Beach, Florida.

CASE INFORMATION

Statement of Claim filed on or about: May 21, 2003.

Claimant signed the Uniform Submission Agreement: May 7, 2003.

Statement of Answer and Motion to Dismiss filed by Respondents on or about: August 22, 2003.

Respondent MSDW signed the Uniform Submission Agreement: August 21, 2003.

Respondents Streitmatter signed the Uniform Submission Agreement: August 22, 2003.

Response to Motion to Dismiss filed by Claimant on or about: October 31, 2003.

CASE SUMMARY

Claimant asserted the following causes of action: 1) breach of contract/unsuitability; 2) fraud and misrepresentation; 3) negligence; and, 4) failure to supervise. The causes of action relate to the purchase and sale of various unspecified stocks 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 \$208,005.00, interest, costs and attorney's fees.

Respondents requested that the Statement of Claim be dismissed in its entirety.

OTHER ISSUES CONSIDERED AND DECIDED

On or about November 13, 2003, the Panel issued an Order that denied Respondents' Motion to Dismiss, without prejudice. The Panel stated that Respondents may re-file their Motion to Dismiss at the conclusion of the final hearings for this matter.

On or about October 23, 2004, the parties notified NASD Dispute Resolution that they had settled this matter.

On or about November 4, 2004, NASD Dispute Resolution closed this matter and sent the parties final invoices.

On or about February 18, 2005, the parties filed a Joint Motion to Re-open and Motion for a Stipulated Award Directing Expungement of the NASD Central Registration Depository (the "CRD") record of Respondent Streitmatter. The parties stated that Claimant had dismissed his claims against Respondent Streitmatter, with prejudice, and had agreed not to oppose Respondent Streitmatter's request for expungement of his NASD CRD record. In addition, the parties stated that NASD's rule changes regarding expungement do not apply to this matter because Claimant filed his claim prior to April 12, 2004 and even if the new expungement rules were applied, an expungement would still be warranted on the basis that it has been agreed that Respondent Streitmatter was not involved in the alleged investment related sales practice violations at issue in Claimant's claims.

On March 7, 2005, after hearing oral argument from the parties, the Panel issued an Order granting the Joint Motion to Re-open and the Motion for a Stipulated Award Directing Expungement of Respondent Streitmatter's NASD CRD record.

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, the Motion to Reopen and the Motion for a for a Stipulated Award Directing Expungement, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Streitmatter's public and non-public registration records maintained by the NASD CRD, with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondent Streitmatter 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 Dispute Resolution will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee	= \$300.00
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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	= \$1,700.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$2,750.00

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 were assessed in this matter:

\$150.00 – assessed to Claimant.

\$150.00 – assessed to Respondents, jointly and severally

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:

Two (2) Pre-hearing sessions with the Panel @ \$1,125.00	= \$2,250.00
Pre-hearing conferences: November 10, 2003 1 session	
March 7, 2005 1 session	
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Total Forum Fees	= \$2,250.00

The Panel has assessed \$1,125.00 of the forum fees to Claimant.

The Panel has assessed \$281.25 of the forum fees to Respondent MSDW.

The Panel has assessed \$281.25 of the forum fees to Respondent Streitmatter.

The Panel has assessed \$562.50 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	= \$ 300.00
Forum Fees	= \$ 1,125.00
<u>Three Day Cancellation Fee</u>	= \$ 150.00
Total Fees	= \$ 1,575.00
<u>Less payments</u>	= \$ 1,575.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent MSDW is solely liable for:

Member Fees	= \$ 5,200.00
Forum Fees	= \$ 281.25
Total Fees	= \$ 5,481.25
<u>Less payments</u>	= \$ 5,200.00
Balance Due NASD Dispute Resolution	= \$ 281.25

Respondent Streitmatter is solely liable for:

<u>Forum Fees</u>	= \$ 281.25
Total Fees	= \$ 281.25
<u>Less payments</u>	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 281.25

Respondents are jointly and severally liable for:

Forum Fees	= \$ 562.50
<u>Three Day Cancellation Fee</u>	= \$ 150.00
Total Fees	= \$ 712.50
<u>Less payments</u>	= \$ 712.50
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>Alan B. Goldstein, Esq.</i>	-	<i>Public Arbitrator, Presiding Chairperson</i>
<i>Jeanette G. Smith</i>	-	<i>Public Arbitrator</i>
<i>Kelsey B. McKay</i>	-	<i>Non-Public Arbitrator</i>

Concurring Arbitrators' Signatures

_____/s/_____
Alan B. Goldstein, Esq.
Public Arbitrator, Presiding Chairperson

03/09/05
Signature Date

/s/
Jeanette G. Smith
Public Arbitrator

03/16/05
Signature Date

/s/
Kelsey B. McKay
Non-Public Arbitrator

03/10/05
Signature Date

03/18/05
Date of Service (For NASD Dispute Resolution office use only)

Fee Summary

Claimant is solely liable for:

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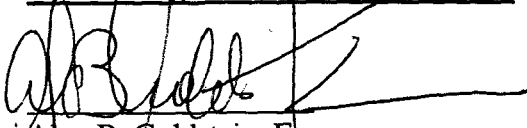
Alan B. Goldstein, Esq.

Jeanette G. Smith

Kelsey B. McKay

- Public Arbitrator, Presiding Chairperson
- Public Arbitrator
- Non-Public Arbitrator

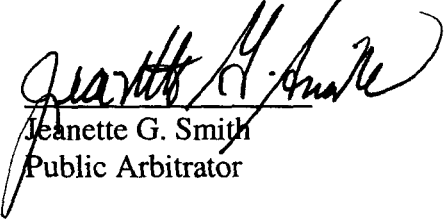
Concurring Arbitrators' Signatures



Alan B. Goldstein, Esq.

Public Arbitrator, Presiding Chairperson

3/9/05
Signature Date



Jeanette G. Smith
Public Arbitrator

03-16-05

Signature Date

Kelsey B. McKay
Non-Public Arbitrator

Signature Date

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

Jeanette G. Smith
Public Arbitrator

Signature Date

Kelsey B. McKay
Kelsey B. McKay
Non-Public Arbitrator

3/10/05
Signature Date

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