

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Morgan Stanley DW Inc. f/k/a Dean Witter Reynolds Inc. (Claimant) v. David Ritter and Stacey Rosenblatt (Respondents)

Case Number: 03-05200

Hearing Site: New York, New York

Nature of the Dispute: Member vs. Customers.

REPRESENTATION OF PARTIES

Claimant Morgan Stanley DW Inc. f/k/a Dean Witter Reynolds Inc., hereinafter referred to as "Claimant": Diane C. Fischer, Esq., Kane & Fischer, Ltd., Chicago, IL.

Respondent Stacey Rosenblatt ("Rosenblatt"): Margaret A. Robertson, Esq., Hempstead, NY.

Respondent David Ritter ("Ritter") - *Pro Se.*

Rosenblatt and Ritter are hereinafter referred to as "Respondents".

CASE INFORMATION

Statement of Claim filed on or about: July 15, 2003.

Claimant signed the Uniform Submission Agreement: May 22, 2003.

Respondent Rosenblatt did not file a Statement of Answer or sign a Uniform Submission Agreement.

Respondent Ritter did not file a Statement of Answer or sign a Uniform Submission Agreement.

CASE SUMMARY

Claimant asserted the following cause of action: failure to deposit funds for purchases of options creating a debit balance in the account. Claimant's claim involved options.

RELIEF REQUESTED

Claimant requested compensatory damages in the sum of \$48,918.53; interest from April 1, 2002 through June 30, 2003 in the amount of \$4,293.96; interest at the current interest rate specified in the Agreement until the debit balance is paid in full; costs; any and all further relief that the Panel deems just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

Upon review of the file and the representations made on behalf of the Claimant, the undersigned arbitrators (the "Panel") determined that Respondents have been properly served with the Statement of Claim and received due notice of the hearing and that arbitration of the matter would proceed without said Respondents present, in accordance with the NASD Code of Arbitration Procedure (the "Code").

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

Respondents defaulted and never answered the Statement of Claim and failed to appear at the hearing. By letter dated May 13, 2004, counsel for Respondent Rosenblatt, Margaret A. Robertson, Esq., requested an adjournment of the May 13, 2004 hearing because of her and Respondent Rosenblatt's unavailability. After due consideration, the Panel denied the request for an adjournment in view of Respondent Rosenblatt's prior knowledge of the hearing date and repeated failures to respond to correspondence, motions, and other written advices to the Respondents.

AWARD

After considering the pleadings, and the testimony and evidence presented at the hearing, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondents are jointly and severally liable for and shall pay to Claimant compensatory damages in the amount of \$48,918.53, plus interest in the amount of \$7,108.23 from April 1, 2002 through April 30, 2004.
2. Any and all relief not specifically addressed herein is 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	= \$1,000.00
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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, Morgan Stanley DW Inc. f/k/a Dean Witter Reynolds, Inc. is a party.

Member surcharge	= \$ 875.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$1,000.00

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: March 31, 2004 1 session	

One (1) Pre-hearing session with Panel @ \$600.00	= \$ 600.00
Pre-hearing conference: December 19, 2003 1 session	

One (1) Hearing session @ \$600.00	= \$ 600.00
Hearing Date: May 13, 2004 1 session	

Total Forum Fees	= \$1,650.00
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1. The Panel has assessed the forum fees of \$1,650.00 jointly and severally against Respondents.

Fee Summary

1. Claimant is solely liable for:

Initial Filing Fee	= \$1,000.00
<u>Member Fees</u>	= \$2,625.00
Total Fees	= \$3,625.00
<u>Less payments</u>	= \$4,825.00
Refund Due to Claimant	= \$1,200.00

2. Respondents are jointly and severally liable for:

<u>Forum Fees</u>	= \$1,650.00
<u>Total Fees</u>	= \$1,650.00
<u>Less payments</u>	= \$ 0.00
<u>Balance Due NASD Dispute Resolution</u>	= \$1,650.00

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

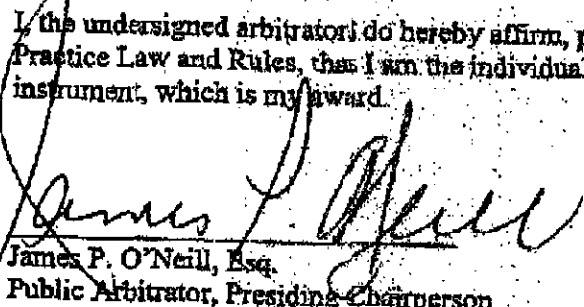
ARBITRATION PANEL

James P. O'Neill, Esq.
Edward Baer, Esq.
Jack B. Golden, Esq.

Public Arbitrator, Presiding Chair
Public Arbitrator
Non-Public Arbitrator

Concurring Arbitrators' Signatures

I, the undersigned arbitrator, 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.


James P. O'Neill, Esq.
Public Arbitrator, Presiding Chairperson

5-21-04
Signature Date

Edward Baer, Esq.
Public Arbitrator

Signature Date

Jack B. Golden, Esq.
Non-Public Arbitrator

Signature Date

May 26, 2004

Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL

James P. O'Neill, Esq.	-	Public Arbitrator, Presiding Chair
Edward Baer, Esq.	-	Public Arbitrator
Jack B. Golden, Esq.	-	Non-Public Arbitrator

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James P. O'Neill, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

Edward Baer

Edward Baer, Esq.
Public Arbitrator

APPROVED 5/20/04

Signature Date

Jack B. Golden, Esq.
Non-Public Arbitrator

Signature Date

May 26, 2004

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Edward Baer, Esq.	-	Public Arbitrator
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James P. O'Neill, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

Edward Baer, Esq.
Public Arbitrator

Signature Date



Jack B. Golden, Esq.
Non-Public Arbitrator

5/26/04

Signature Date

May 26, 2004

Date of Service (For NASD Dispute Resolution use only)