
Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant

Jeffrey D. Travis

Case Number: 03-05427

Names of the Respondents

Morgan Stanley DW, Inc.

Roy Bruner

Hearing Site: Tampa, Florida

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

REPRESENTATION OF PARTIES

Jeffrey D. Travis, hereinafter referred to as "Claimant", appeared *pro se*.

For Morgan Stanley DW, Inc. ("MSDW") and Roy Bruner ("Bruner"), hereinafter collectively referred to as "Respondents": Christopher S. Polaszek, Esq., Gray Robinson, Tampa, Florida.

CASE INFORMATION

Statement of Claim filed on or about: July 24, 2003.

Claimant signed the Uniform Submission Agreement on: July 15, 2003.

Statement of Answer filed by Respondents on or about: September 23, 2003.

Respondent MSDW signed the Uniform Submission Agreement on: September 23, 2003.

Respondent Bruner signed the Uniform Submission Agreement on: November 3, 2003.

CASE SUMMARY

Claimant alleged the following causes of action: 1) suitability; 2) misrepresentation and omission of facts; and 3) breach of fiduciary duty. The causes of action relate to investments in shares of mutual funds including EV Classic Senior Floating Fund and Morgan Stanley Dean Witter Prime Income Trust Fund.

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, plus interest, in the total amount of \$49,900.00; and 2) such other relief the undersigned arbitrator (the "Arbitrator") deemed just and proper.

Respondents requested: 1) dismissal of the Statement of Claim in its entirety; 2) costs; 3) expungement of all references to the above-captioned arbitration proceeding from Respondent Bruner's registration records maintained by the NASD Central Registration Depository ("CRD"); and 4) such other relief the Arbitrator deemed just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

At the evidentiary hearing, Respondents requested the Arbitrator to enter a directed verdict. The Arbitrator denied the request.

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

AWARD

After considering the pleadings, the testimony and evidence presented at the hearing, and the post-hearing submissions (if any), the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimant's claims are denied in their entirety.
2. The Arbitrator recommends expungement of all references to the above-captioned arbitration proceeding from Respondent Bruner's registration records maintained by the NASD CRD due to the defamatory nature of the information, with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondent Bruner must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.
3. Any and all claims for relief, including any statutory claims, not specifically addressed herein are denied.

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 = \$ 175.00

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.

Pre-hearing process fee = \$ 750.00

Hearing process fee = \$1,000.00

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.

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 a single arbitrator @ \$450.00 per session = \$ 450.00

Pre-hearing conference: January 15, 2004 1 session

Three (3) Hearing sessions @ \$450.00 per session = \$1,350.00

Hearing Date: April 14, 2004 3 sessions

Total Forum Fees = \$1,800.00

The Panel has assessed the total forum fees in the amount of \$1,800.00 to Claimant.

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	= \$ 175.00
<u>Forum Fees</u>	<u>= \$1,800.00</u>
Total Fees	= \$1,975.00
<u>Less payments</u>	<u>= \$ 625.00</u>
Balance Due NASD Dispute Resolution	= \$1,350.00

Respondent MSDW is solely liable for:

<u>Member Fees</u>	<u>= \$1,750.00</u>
Total Fees	= \$1,750.00
<u>Less payments</u>	<u>= \$1,750.00</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

William H. Fleece, JD

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Sole Public Arbitrator

Arbitrator's Signature

/s/

William H. Fleece, JD
Sole Public Arbitrator

April 21, 2004

Signature Date

April 21, 2004

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

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Respondent MSDW is solely liable for:

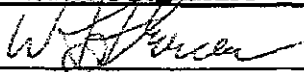
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ARBITRATION PANEL

William H. Fleece, JD

Sole Public Arbitrator

Arbitrator's Signature

William H. Fleece, JD
Sole Public Arbitrator

4/21/04
Signature Date

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