

Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

John Ciluaga, LaBerta Ciluaga, and Cynthia Eberline-Ciluaga, Claimants v. Morgan Stanley DW Inc. and Stephen D. Wile, Respondents

Case Number: 03-05982

Hearing Site: Salt Lake City, Utah

Nature of the Dispute: Customers v. Member and Associated Person

REPRESENTATION OF PARTIES

For Claimants:

Dennis M. Charney, Esq.
Attorney and Counselor at Law
Boise, Idaho

For Respondents:

Jeffrey F. Silverman, Esq.
Morgan Stanley DW Inc.
San Francisco, California

CASE INFORMATION

Statement of Claim filed: August 12, 2003

Claimants' Uniform Submission Agreement signed: August 11, 2003

Joint Statement of Answer filed by Respondents: October 24, 2003

Respondent Morgan Stanley DW Inc.'s Uniform Submission Agreement signed:
October 22, 2003

Respondent Stephen D. Wile's Uniform Submission Agreement signed: October 6, 2003

CASE SUMMARY

Claimants alleged breach of contract, breach of fiduciary duty, unsuitable recommendations, omission of facts and misrepresentations, common law fraud, violation of federal and state laws, violation of Idaho Consumer Protection Act, and failure to supervise in connection with the purchase of Morgan Stanley growth mutual funds.

Respondents denied the allegations of wrongdoing set forth in the Claimants' Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

Claimants requested actual damages of \$84,969.64, pre- and post -judgment interest, a tax offset for any tax liability associated with recovery, expert witness fees and costs, including attorney's fees.

Respondents requested dismissal of the Claimants' Statement of Claim in its entirety and expungement of all reference to the Claim from Stephen D. Wile's Central Registration Depository (CRD) records.

OTHER ISSUES CONSIDERED AND DECIDED

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.

STIPULATED AWARD

After considering the pleadings, testimony, and the Parties' request for this Stipulated Award, the Panel decided in full and final resolution of the issues submitted for determination as follows:

1. Claimants and Respondents have entered into a confidential settlement agreement.
2. Claimants' claims against Respondents are dismissed in their entirety.
3. The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Stephen D. Wile's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notice to Members 99-09, Respondent Stephen D. Wile must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

4. The parties shall bear their respective costs, including attorney's fees.
5. All other relief requested and not expressly granted is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution received or will collect the non-refundable filing fees for each claim as follows:

Initial claim filing fee	= \$ 225.00
--------------------------	-------------

Member Fees

Member fees are assessed to each member firm that is either a party in the matter or an employer of a respondent associated person at the time of the events which gave rise to the dispute, claim, or controversy. Accordingly, the member firm Morgan Stanley DW Inc. is a party and the following fees are assessed:

Member Surcharge	= \$ 1,100.00
Pre-Hearing Process Fee	= \$ 750.00
<u>Hearing Process Fee</u>	<u>= \$ 1,700.00</u>
Total Member Fees	= \$ 3,550.00

Forum Fees and Assessments

The Panel assessed a forum fee for each pre-hearing conference or hearing session conducted. A pre-hearing conference and hearing session is any meeting between the parties and the Chair or the parties and the Panel. The following fees are assessed:

(1) Pre-hearing conference session with a single arbitrator @ \$ 450.00/session	= \$ 450.00
Pre-hearing conference: July 2, 2004 1 session	

(1) Pre-hearing conference session with the Panel @ \$750.00/session	= \$ 750.00
Pre-hearing conference: January 21, 2004 1 session	

Total Forum Fees	= \$ 1,200.00
-------------------------	----------------------

1. The Panel assessed \$600.00 of the forum fees jointly and severally to Claimants.
2. The Panel assessed \$600.00 of the forum fees jointly and severally to Respondents.

Fee Summary

1. Claimants are charged with the following fees and costs:

Initial Filing Fee	= \$ 225.00
Forum Fees	= \$ 600.00
Hearing session deposit retained pursuant to Rule 10332(f)	= \$ 150.00
Total Fees	= \$ 975.00
Less payments	= \$(1425.00)
Refund Due Claimants	= \$ (450.00)

2. Respondent Morgan Stanley DW Inc. is charged with the following fees and costs:

Member Fees	= \$ 3,550.00
Less payments	= \$(3,550.00)
Balance Due NASD Dispute Resolution	= \$ 0.00

3. Respondents Morgan Stanley DW Inc. and Stephen D. Wile are charged jointly and severally with the following fees and costs:

Forum Fees	= \$ 600.00
Balance Due NASD Dispute Resolution	= \$ 600.00

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

ARBITRATION PANEL

<i>John G. Manley, Esq.</i>	-	<i>Public Arbitrator, Presiding Chair</i>
<i>George J. Karlsvén, Jr.</i>	-	<i>Public Arbitrator</i>
<i>Richard M. Benton</i>	-	<i>Non-Public Arbitrator</i>

Concurring Arbitrators' Signatures



John G. Manley, Esq.
Chair, Public Arbitrator

9-20-2004
Signature Date

George J. Karlsvén, Jr.
Public Arbitrator

Signature Date

Richard M. Benton
Non-Public Arbitrator

Signature Date

9/22/04
Date of Service

ARBITRATION PANEL

<i>John G. Manley, Esq.</i>	-	<i>Public Arbitrator, Presiding Chair</i>
<i>George J. Karlsven, Jr.</i>	-	<i>Public Arbitrator</i>
<i>Richard M. Benton</i>	-	<i>Non-Public Arbitrator</i>

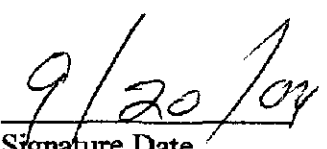
Concurring Arbitrators' Signatures

John G. Manley, Esq.
Chair, Public Arbitrator

Signature Date



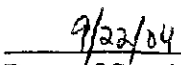
George J. Karlsven, Jr.
Public Arbitrator



Signature Date

Richard M. Benton
Non-Public Arbitrator

Signature Date



Date of Service

ARBITRATION PANEL

<i>John G. Manley, Esq.</i>	-	<i>Public Arbitrator, Presiding Chair</i>
<i>George J. Karlsvén, Jr.</i>	-	<i>Public Arbitrator</i>
<i>Richard M. Benton</i>	-	<i>Non-Public Arbitrator</i>

Concurring Arbitrators' Signatures

John G. Manley, Esq.
Chair, Public Arbitrator

Signature Date

George J. Karlsvén, Jr.
Public Arbitrator

Signature Date

Richard M. Benton

Richard M. Benton
Non-Public Arbitrator

9-20-04

Signature Date

9/22/04

Date of Service