

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 03-06102

Michael P. Goeben, Claimant v. Morgan Stanley DW Inc. f/k/a Dean Witter Reynolds Inc.,
Respondent.

ATTORNEYS:

Claimant, Michael P. Goeben, ("Claimant"), appeared pro se, Green Bay, WI.

Respondent, Morgan Stanley DW Inc. f/k/a Dean Witter Reynolds Inc., ("Respondent"), appeared
through their in-house counsel, Judith M. Rosenberg, Esq., San Francisco, CA.

NATURE OF DISPUTE: Customer v. Member

DATE FILED: August 21, 2003

CASE SUMMARY: Claimant alleged that Respondent breached its contract by failing to execute
an order to sell all CSPI securities in his account. Claimant maintained that due to Respondent's
action, his account was not terminated and he thus suffered financial losses.

ARBITRATOR'S REPORT: The record is not clear whether Claimant rescinded his decision to
close his account in May 2000. However, there is nothing in the record which indicates that
Claimant was under a legal disability or that a guardian was appointed for him during his periods
of mental illness. Claimant had a duty to review his statements in a timely manner. Such a
review would have disclosed that the account was still open and that the CSPI securities had not
been sold. Respondent is not responsible for any loss which may have accrued.

Claim Data

Claim: \$2,100.00
Punitive: \$5,000.00
Interest: \$330.00
Filing Fees: \$75.00
Other: Unspecified

Award Data

Award: \$.00
Punitive: \$.00
Interest: \$.00
Filing Fees: \$162.50
Other: \$.00

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of
the issues submitted for determination as follows: 1) The claims of the Claimant are dismissed
in their entirety. 2) All requests for punitive damages are denied. 3) All requests for interest are
denied. 4) All other requests are denied. 5) NASD Dispute Resolution shall retain the \$325.00
filing fee that the Claimant deposited previously. 6) Respondent is liable and shall pay to the
Claimant \$162.50 as reimbursement of one-half of the filing fee.

OTHER FEES: Pursuant to Rule 10333 of the Code, Respondent has paid to NASD Dispute
Resolution the \$325.00 Member Surcharge previously invoiced.

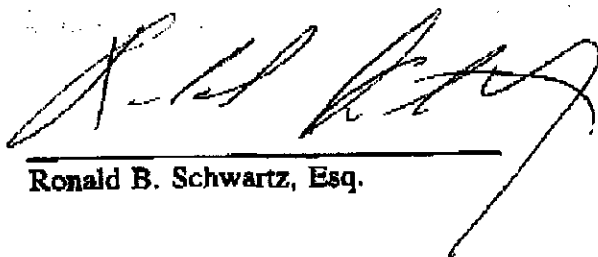
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Award 03-6102

Ronald B. Schwartz, Esq.

Sole Public Arbitrator

AFFIRMATION

I, Ronald B. Schwartz, Esq., do hereby affirm, upon my oath as arbitrator that I am the individual described herein who executed this instrument, which is my oath and award.



Ronald B. Schwartz, Esq.

2/12/2004
Signature Date

February 20, 2004
Date of Service (For NASD-DR office use only)