

**Stipulated Award
NASD Dispute Resolution**

In the Matter of the Arbitration Between:

Name of the Claimant

Case Number: 03-09112

Charlie Lee Kennedy

Names of the Respondents

Hearing Site: Charlotte, North Carolina

Morgan Stanley DW, Inc.
Michael Robinson

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

REPRESENTATION OF PARTIES

Claimant Charlie Lee Kennedy, hereinafter referred to as "Claimant", was represented by Robert Dyer, Esq., Allen, Dryer, Doppelt, Mibrath & Gilchrist, PA, Orlando, Florida.

Respondents Morgan Stanley DW, Inc. ("Morgan Stanley") and Michael Robinson ("Robinson"), hereinafter collectively referred to as "Respondents", were represented by Steven G. Kobre, Esq. and Anne Marie L. Corominas, Esq., Kobre & Kim LLP, New York, New York and John L. Castelly, Esq., Morgan Stanley Law Division, Purchase, New York.

CASE INFORMATION

Statement of Claim filed on January 10, 2004.

Darrell Kennedy, Esq. signed the Uniform Submission Agreement on behalf of Claimant on January 30, 2004.

Statement of Answer and Motion for More Definite Statement filed by Respondents on March 25, 2004.

Respondent Robinson signed the Uniform Submission Agreement on July 8, 2004.

A representative of Respondent Morgan Stanley executed the Uniform Submission Agreement on July 9, 2004.

Claimant's Memorandum in Opposition to Respondents' Motion for More Definite Statement was filed on April 12, 2004.

Claimant's Motion for Sanctions was filed on April 24, 2004.

Respondents' Response to Claimant's Motion for Sanctions was filed on May 21, 2004.

Claimant's Motion to Strike was filed on May 21, 2004.

Respondents' Response to Claimant's Motion to Strike was filed on June 22, 2004.

CASE SUMMARY

Claimant asserted the following causes of action, among others: breach of contract,

breach of fiduciary duty, negligence, negligent supervision, fraudulent concealment, and churning. The causes of action relate to the purchase and sale of unspecified securities.

Unless specifically admitted in their Answer, Respondents denied the allegations made in the Statement of Claim and asserted the following defenses, among others: failure to state a claim upon which relief may be granted, statute of limitations, waiver, estoppel, ratification, assumption of risk, contributory negligence, Respondent Morgan Stanley had adequate supervisory procedures in place, and failure to mitigate.

RELIEF REQUESTED

Claimant in his Statement of Claim requested compensatory damages exceeding \$75,000.00, interest, attorneys' fees, and costs.

Respondents in their Statement of Answer requested that the Panel dismiss the Statement of Claim in its entirety, award Respondents the costs and expenses of this arbitration, order the expungement of this matter from the CRD records of Respondent Robinson, and award Respondents such other relief as is just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

On March 17, 2005, the Panel granted Respondents' Motion for More Definite Statement, denied Respondents' Motion to Dismiss, and deferred ruling on the Motion for Sanctions until the date of hearing.

On June 6, 2005, the parties filed a Stipulation of Dismissal with Prejudice and this case was closed June 28, 2005.

On December 23, 2005, the parties filed a Joint Motion to Reconvene the Arbitration Panel for the Limited Purpose of Executing the Parties Stipulated Award. The Panel granted the parties' request on January 18, 2006.

The parties have agreed that the Stipulated Award in this matter may be executed in counterpart copies.

AWARD

Pursuant to the above, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Pursuant to the stipulated dismissal reached between the parties this matter is dismissed with prejudice;
2. The Panel recommends the expungement of all reference to the above

captioned arbitration from Respondent Robinson registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondent Robinson must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive;

3. The parties shall bear their respective costs, including attorneys' fees, except as Fees are specifically addressed below; and
4. Any and all relief not specifically addressed herein is denied in its entirety.

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	= \$ 225.00
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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 firms that employed the associated person(s) at the time of the events giving rise to the dispute. Accordingly, Respondent Morgan Stanley is a party.

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

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

March 29-April 1, 2005, adjournment by Claimant	= \$ 750.00
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Forum Fees and Assessments

The Panel has assessed forum fees for each session conducted. A session is any meeting between the parties and the arbitrator(s), including a pre-hearing conference with the arbitrator(s), 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: November 23, 2004	1 session
Two (2) Pre-hearing sessions with Panel @ \$750.00	= \$1,500.00
Pre-hearing conferences: August 20, 2004	1 session

September 21, 2004 1 session

Total Forum Fees = \$1,950.00

1. The Panel has assessed \$600.00 of the forum fees to Claimant.
3. The Panel has assessed \$1,350.00 of the forum fees jointly and severally to Respondents.

FEE SUMMARY

1. Claimant is assessed and shall pay the following fees:

Initial Filing Fee	= \$ 225.00
Adjournment Fee	= \$ 750.00
<u>Forum Fees</u>	<u>= \$ 600.00</u>
Total Fees	= \$1,575.00
<u>Less payments</u>	<u>= \$1,725.00</u>
Refund Amount Paid	= \$ 150.00

2. Respondent Morgan Stanley is assessed and shall pay the following fees:

<u>Member Fees</u>	<u>= \$3,550.00</u>
Total Fees	= \$3,550.00
<u>Less payments</u>	<u>= \$3,550.00</u>
Balance Due NASD Dispute Resolution	= \$ 0.00

3. Respondents are jointly and severally assessed and shall pay the following fees:

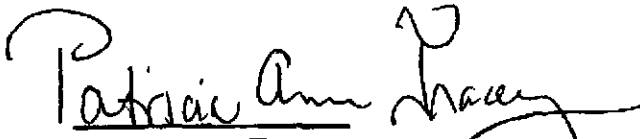
<u>Forum Fees</u>	<u>= \$1,350.00</u>
Total Fees	= \$1,350.00
<u>Less payments</u>	<u>= \$1,350.00</u>
Balance Due NASD Dispute Resolution	= \$ 0.00

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

ARBITRATION PANEL

Patricia Ann Tracey, Esq.	-	Public Arbitrator, Presiding Chairperson
John H. Griffing	-	Public Arbitrator, Panelist
James R. Shields	-	Non-Public Arbitrator, Panelist

Concerning Arbitrators' Signatures


Patricia Ann Tracey, Esq.
Public Arbitrator, Presiding Chairperson

6/24/06
Signature Date

John H. Griffing
Public Arbitrator, Panelist

Signature Date

James R. Shields
Non-Public Arbitrator, Panelist

Signature Date

August 2 2006
Date of Service (For NASD Dispute Resolution office use only)

Concurring Arbitrators' Signatures

Patricia Ann Tracey, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

John H. Griffing
Public Arbitrator, Panelist

Signature Date


James R. Shields
Non-Public Arbitrator, Panelist

6.24.06
Signature Date

August 2, 2006
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