

**NASD DISPUTE RESOLUTION AWARD**

**NASD DISPUTE RESOLUTION**

CASE: 04-00272

William B. McEachern, Claimant v. Morgan Stanley DW, Inc. f/k/a Dean Witter Reynolds, Inc. and Mark Patterson, Respondents.

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**ATTORNEYS:**

For Claimant, William B. McEachern, ("Claimant"), appeared Mark A. Friel, Esq., of the firm Stoll Stoll Berne Lokting & Shlachter, P.C., Portland, OR.

For Respondents, Morgan Stanley DW, Inc. f/k/a Dean Witter Reynolds, Inc. and Mark Patterson, ("Respondents"), appeared their in-house counsel, Mauricio S. Beugelmans, Esq., San Francisco, CA.

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**NATURE OF DISPUTE:** Customer v. Member and Associated Person

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**DATE FILED:** January 15, 2004

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**CASE SUMMARY:** Claimant alleged that Respondents recommended and invested his funds in unsuitable stock, were negligent, and breached their fiduciary duty. Claimant further alleged that Respondent Morgan Stanley DW, Inc. failed to supervise its representative, Respondent Mark Patterson, and that Respondents violated the Oregon Securities Law. Claimant's claim involved mostly technology stocks such as Amazon.com, Yahoo, MCI WorldCom, Ebay, At Home Corp., Enron, Medtronic, Illuminet Holdings, and Extreme Networks. Claimant maintained that due to Respondents' actions, his account suffered financial losses.

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**Claim Data**

Claim: \$25,000.00

Interest: \$6,750.00

Attorney Fees: \$2,500.00

Filing Fees: \$425.00

Other: Unspecified

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**Award Data**

Award: \$.00

Interest: \$.00

Attorney Fees: \$.00

Filing Fees: \$.00

Other: \$.00

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**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 interest are denied. 3) All requests for attorney fees are denied. 4) All other relief requests are denied. 5) NASD Dispute Resolution shall retain the \$425.00 filing fee deposited by the Claimant. 6) The arbitrator recommends the expungement of all reference to NASD-DR Arbitration Case No. 04-00272 entitled William B. McEachern v. Morgan Stanley DW, Inc. f/k/a Dean Witter Reynolds, Inc. and Mark Patterson from Respondent Mark Patterson's registration record maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notice to Members 99-09, Respondent Mark Patterson must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

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**OTHER FEES:** Pursuant to Rule 10333 of the Code, Respondent Morgan Stanley DW, Inc. f/k/a Dean Witter Reynolds, Inc. has paid to NASD Dispute Resolution the \$425.00 Member Surcharge previously invoiced.

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## ARBITRATOR

**William P. Bergsten, Esq. - Sole Public Arbitrator**

## AFFIRMATION

I, William P. Bergsten, 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.

*William P. Bergsten*  
William P. Bergsten, Esq.

6-22-04  
Signature Date

June 25, 2004

**Date of Service (For NASD-DR office use only)**