
Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Names of the Claimants

Ronald G. Pare
Charlene Pare

Case Number: 04-02379

Names of the Respondents

Morgan Stanley Dean Witter, Inc.
David Casterioto

Hearing Site: Tampa, Florida

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

REPRESENTATION OF PARTIES

For Ronald G. Pare and Charlene Pare, hereinafter collectively referred to as "Claimants": A. Daniel Woska, Esq., Woska & Hayes LLP, Oklahoma City, Oklahoma.

For Morgan Stanley Dean Witter, Inc. ("MSDW") and David Casterioto ("Casterioto"), hereinafter collectively referred to as "Respondents": Frederick S. Schriis, Esq., Gray Robinson, P.A., Tampa, Florida.

CASE INFORMATION

Statement of Claim filed on or about: April 5, 2004.

Claimants signed the Uniform Submission Agreement: May 2, 2003.

Statement of Answer filed by Respondents on or about: June 29, 2004.

Respondent MSDW did not file an executed Uniform Submissions Agreement.

Respondent Casterioto signed the Uniform Submission Agreement: September 9, 2004.

CASE SUMMARY

Claimants asserted the following causes of action: breach of fiduciary duty; violation of know your customer rule; unsuitability; failure to diversify; over concentration; failure to supervise; violation of securities regulatory rules; violation of Florida Securities and Investor Protection Act (Chapter 517 of the Florida Statutes); violation of Florida Deceptive and Unfair Trade Practices Act (Chapter 501 of the Florida Statutes); common law claims; and failure to hedge. The causes of action related to the purchase or sale in Claimants' account of various unspecified stocks.

Unless specifically admitted in their Answer, Respondents denied the allegations made in the Statement of Claim and asserted the following affirmative defenses: statutes of limitation; ratification; estoppel; waiver; the economic loss rule; failure to state a cause of action; no private right of action for alleged SRO rule violations; and, independent intervening market forces.

RELIEF REQUESTED

Claimants requested compensatory damages in excess of \$60,000.00, unspecified lost earnings, pre-judgment interest, costs, reasonable attorneys' fees, punitive damages, and such other and further relief that the Panel deemed appropriate. Claimants further requested that the Panel submit a report of its findings to the NASD and NYSE.

Respondents requested dismissal of all claims with prejudice, as well as the expungement of this action from Respondent Casterioto's securities industry registration records.

OTHER ISSUES CONSIDERED AND DECIDED

Respondent MSDW did not file with NASD Dispute Resolution ("NASD") a properly executed Uniform Submission Agreement but is required to submit to arbitration pursuant to the Code of Arbitration Procedure (the "Code") and having answered the claim is bound by the determination of the Panel on all issues submitted.

On or about April 12, 2005, NASD Dispute Resolution received a letter from Claimants' counsel indicating that Claimants wished to dismiss this action and requested that the matter be removed from Respondent Casterioto's securities industry registration records. Claimants also requested that the NASD close its file.

In response to Claimants' dismissal notice, Respondents requested that the NASD file remain open solely for the purpose of obtaining a Stipulated Award confirming Claimants' dismissal and recommending the expungement of this matter from Respondent Casterioto's securities industry registration records.

AWARD

After considering the pleadings and the parties' proposed Stipulated Award, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimants' claims are dismissed in their entirety, with prejudice, and any and all relief requested by Claimants (including punitive damages) is denied.
2. The Panel recommends the expungement of all references to the above-captioned arbitration from Respondent Casterioto's 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 Casterioto must obtain confirmation from a court of competent jurisdiction before the NASD CRD will execute the expungement directive.

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

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, MSDW is a member firm and a party.

Member surcharge	= \$1,100.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$1,700.00
Total Member Fees	= \$3,550.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

No adjournment fees were incurred in this matter.

Three-Day Cancellation Fees

Fees apply when a hearing on the merits is postponed or settled within three business days before the start of a scheduled hearing session:

No three-day cancellation fees were incurred in this matter.

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.

No injunctive relief fees were incurred in this matter.

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 the with Panel @ \$750.00/session	= \$ 750.00
Pre-hearing conference: September 30, 2004 1 session	
Total Forum Fees	= \$ 750.00

The Panel assessed forum fees of \$375.00 to Claimants, jointly and severally.
The Panel assessed forum fees of \$375.00 to Respondent MSDW.

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.

No administrative costs were incurred in this matter.

Fee Summary

Claimants are jointly and severally liable for:

Initial Filing Fee	= \$ 225.00
Retained Hearing Session Deposit pursuant to Rule 10332(f) of the Code	= \$ 375.00
Forum Fees	= \$ 375.00
Total Fees	= \$ 975.00
Less payments	= \$ 975.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent MSDW is solely liable for:

Member Fees	= \$3,550.00
Forum Fees	= \$ 375.00
Total Fees	= \$3,925.00
Less payments	= \$3,550.00
Balance Due NASD Dispute Resolution	= \$ 375.00

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

ARBITRATION PANEL

Richard E. Shute	-	Public Arbitrator, Presiding Chairperson
H. Steven Holtzman	-	Public Arbitrator
Donald K. Runkle	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

/s/ _____
Richard E. Shute
Public Arbitrator, Presiding Chairperson

May 9, 2005
Signature Date

/s/ _____
H. Steven Holtzman
Public Arbitrator

May 9, 2005
Signature Date

/s/
Donald K. Runkle
Non-Public Arbitrator

May 12, 2005
Signature Date

May 13, 2005
Date of Service (For NASD Dispute Resolution office use only)

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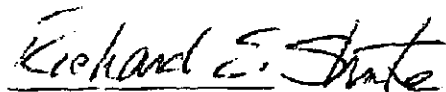
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Richard E. Shute
Public Arbitrator, Presiding Chairperson

5/9/05
Signature Date

H. Steven Holtzman

Signature Date

RECEIVED

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FL ARBITRATION

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Richard E. Shute
Public Arbitrator, Presiding Chairperson


Signature Date


H. Steven Holtzman

5/9/05
Signature Date

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Public Arbitrator


Donald K. Runkle
Non-Public Arbitrator

5/12/05
Signature Date

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