

Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant
Mary Niforos

Case Number: 04-02758

Names of the Respondents
Morgan Stanley Dean Witter & Co.
Thomas George Parker

Hearing Site: Boca Raton, Florida

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

REPRESENTATION OF PARTIES

For Mary Niforos, hereinafter referred to as "Claimant": Jan Douglas Atlas, Esq., Adorno & Yoss, P.A., Fort Lauderdale, Florida.

For Morgan Stanley Dean Witter & Co. ("Morgan Stanley") and Thomas George Parker ("Parker"), hereinafter collectively referred to as "Respondents": Jon A. Jacobson, Esq., Greenberg Traurig, P.A., West Palm Beach, Florida.

CASE INFORMATION

Statement of Claim filed on or about: April 8, 2004.

Claimant signed the Uniform Submission Agreement: March 28, 2004.

Statement of Answer filed by Respondents on or about: June 24, 2004.

Respondent Morgan Stanley signed the Uniform Submission Agreement: May 14, 2004.

Respondent Parker signed the Uniform Submission Agreement: June 29, 2004.

CASE SUMMARY

Claimant asserted the following causes of action: violation of the Florida Securities and Investor Protection Act; negligence; breach of fiduciary duty; and, failure to supervise. The causes of action relate to the purchase, in Claimant's account, of various stocks including America Online Inc., Avanex Corp., Cisco Sys Inc., Hellenic Telecomm Org SA ADR, Home Depot Inc., Intel Corp., JDS Uniphase Corp., LSI Logic Corp., Microsoft Corp., Nextel Communications Inc. CL A, Palm Inc., Qualcomm Inc., and 3Com Corporation.

Unless specifically admitted in their Answer, Respondents denied the allegations made in the Statement of Claim and asserted various defenses.

RELIEF REQUESTED

Claimant requested: 1) compensatory damages in the amount of \$250,000.00; 2) disgorgement of all commissions, charges and fees; 3) costs; 4) unspecified punitive damages; 5) interest; 6) attorneys' fees; 7) opportunity costs; and, 8) such other and further relief as deemed just and proper by the Panel.

Respondents requested that the Panel deny all claims of wrongdoing against Respondents and dismiss those claims that are barred by the statute of limitations.

OTHER ISSUES CONSIDERED AND DECIDED

On or about April 15, 2005, Claimant notified NASD Dispute Resolution ("NASD") that the parties had settled this matter. Further, Claimant requested that the case remain open pending a request for expungement to be sent to the Panel for its consideration.

On or about May 17, 2005, the parties submitted a Motion for Award Directing Expungement as to Respondent Parker's Record maintained by the NASD Central Registration Depository ("CRD"). On or about June 14, 2005, the Panel issued an Order that required additional information from the parties before the Panel would grant the Motion to Expunge.

On or about July 1, 2005, the parties filed a Supplement to Stipulated Motion for Expungement. On July 6, 2005, the Panel issued an Order granting the Stipulated Motion for Expungement. On or about July 20, 2005, the parties filed with NASD a proposed Stipulated Award for Expungement.

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

AWARD

After considering the pleadings, the Motion for Award Directing Expungement and the Supplement to Stipulated Motion for Expungement, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Parker's registration records maintained by the NASD CRD, with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondent Parker must obtain confirmation from a court of competent jurisdiction before the NASD CRD will execute the expungement directive.

FEES

Pursuant to the NASD Code of Arbitration Procedure (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 = \$ 300.00

The Panel has determined to waive the initial claim filing fee in this matter.

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, Respondent Morgan Stanley is a member firm and a party.

Member surcharge = \$1,700.00

Pre-hearing process fee = \$ 750.00

Hearing process fee = \$2,750.00

Total Member Fees = \$5,200.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

There were no adjournment fees assessed during these proceedings.

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:

The Panel has assessed the three-day cancellation fee as follows:

\$150.00 to Claimant.

\$150.00 to Respondents, jointly and severally.

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.

There were no injunctive relief fees assessed during these proceedings.

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 with the Panel @ \$1,125.00/session = \$1,125.00

Pre-hearing conference: September 9, 2004 1 session

Total Forum Fees = \$1,125.00

The Panel assessed forum fees of \$562.50 to Claimant.

The Panel assessed forum fees of \$562.50 to Respondents, jointly and severally.

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

Claimant is solely liable for:

Three Day Cancellation Fee	= \$ 150.00
<u>Forum Fees</u>	= \$ 562.50
Total Fees	= \$ 712.50
<u>Less payments</u>	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 712.50

Respondent Morgan Stanley is solely liable for:

<u>Member Fees</u>	= \$5,200.00
Total Fees	= \$5,200.00
<u>Less payments</u>	= \$5,200.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondents are jointly and severally liable for:

Three Day Cancellation Fee	= \$ 150.00
<u>Forum Fees</u>	= \$ 562.50
Total Fees	= \$ 712.50
<u>Less payments</u>	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 712.50

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

ARBITRATION PANEL

Myron E. Levenson	-	Public Arbitrator, Presiding Chairperson
Willie E. Williams	-	Public Arbitrator
John N. Breazeale	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

/s/ _____
Myron E. Levenson
Public Arbitrator, Presiding Chairperson

July 26, 2005
Signature Date

/s/
Willie E. Williams
Public Arbitrator

July 28, 2005
Signature Date

/s/
John N. Breazeale
Non-Public Arbitrator

July 26, 2005
Signature Date

July 28, 2005
Date of Service (For NASD Dispute Resolution office use only)

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Willie E. Williams	-	Public Arbitrator
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Concurring Arbitrators' Signatures


Myron E. Levenson
Public Arbitrator, Presiding Chairperson

7/26/2005
Signature Date

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Willie E. Williams
Willie E. Williams
Public Arbitrator

07-28-2005
Signature Date

John N. Breazale
Non-Public Arbitrator

Signature Date

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

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Willie E. Williams
Public Arbitrator


John N. Brezeale
Non-Public Arbitrator

Signature Date

1/26/05
Signature Date

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