

**NASD DISPUTE RESOLUTION AWARD**  
**NASD DISPUTE RESOLUTION**

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CASE: 04-07181

Morgan Stanley DW, Inc., Claimant v. Jeffery A. Cross, Respondent

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**ATTORNEYS:**

For Claimant Morgan Stanley DW, Inc. ("Claimant") appeared Diane C. Fischer, Esq., of the firm Kane & Fischer, Ltd., Chicago, IL.

Respondent Jeffery A. Cross ("Respondent") did not file a Statement of Answer in this matter.

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

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**DATE FILED:** October 11, 2004.

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**CASE SUMMARY:** Claimant alleged that Respondent has failed and refused to honor his obligations to repay his commission deficit. Claimant maintained that due to Respondent's actions, the company suffered a loss.

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**Claim Data**

Claim: \$22,419.00  
Interest: Unspecified  
Costs of Collection: Unspecified  
Attorney Fees/Costs: Unspecified  
Filing Fees: Unspecified  
Other: Unspecified

**Award Data**

Award: \$22,419.00  
Interest: \$0.00  
Costs of Collection: \$0.00  
Attorney Fees/Costs: \$4,497.21  
Filing Fees: \$1,050.00  
Other: \$0.00

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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) Respondent is liable for and shall pay to Claimant \$22,419.00. 2) Respondent is liable for and shall pay to Claimant attorney fees/costs in the amount of \$4,497.21 in accordance with the Affidavit of Robert C. Scremin. 3) All requests for interest are denied. 4) All other relief requests are denied. 5) NASD Dispute Resolution shall retain the \$1,050.00 filing fee that the Claimant deposited previously. 6) Respondent is liable and shall pay Claimant \$1,050.00 as reimbursement of the filing fee.

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**OTHER FEES:** Pursuant to Rule 10333 of the Code, Claimant has paid to NASD Dispute Resolution the \$425.00 Member Surcharge previously invoiced.

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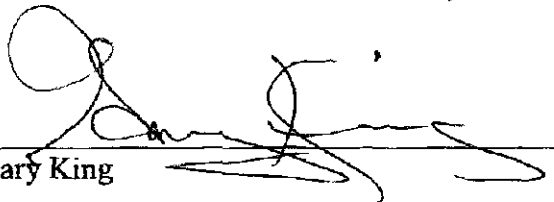
**OTHER ISSUES:** Pursuant to the By-Laws of NASD Dispute Resolution, the arbitrator determined that Respondent Jeffery A. Cross was served notice of the Statement of Claim and Notification of Arbitrator by regular mail, and Overdue Notice by certified mail, as evidenced by the signed signature card on file and is therefore bound by the arbitrator's ruling and determination.

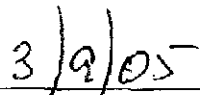
ARBITRATOR

Gary King - Sole Non-Public Arbitrator

AFFIRMATION

I, Gary King, 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.

  
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Gary King

  
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Signature Date

March 21, 2005  
Date of Service (For NASD-DR office use only)