

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 04-07781

Thomas Biskup, (Claimant) vs. Morgan Stanley DW Inc., Austin L. Palmer, Richard H. Gross and Guy S. Gentry, (Respondents)

ATTORNEYS:

Claimant appeared pro se, Charlotte, NC.

For Respondents appeared Morgan Stanley DW Inc.'s in-house counsel Amy DePippo, Purchase, NY.

NATURE OF DISPUTE: Customer v. Member and Associated Persons

DATE FILED: November 5, 2004

CASE SUMMARY: Claimant alleged that Respondents failed to provide analysis of recommendations and a current analysis of his risk tolerance. Claimant further alleged breach of fiduciary duty, suitability and failure to supervise. Claimant maintained that due to Respondents' actions, he suffered financial losses. Claimant's claim involved common stock and mutual funds. Claimant later withdrew his claim with prejudice. However, Respondents requested Expungement. Therefore, case remained open to address Expungement issue.

Claim Data

Claim: Expungement

Award Data

Award: Granted

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) Respondents Palmer, Gross and Gentry's requests for Expungement are granted. 2) All other relief requests are denied. 3) NASD Dispute Resolution shall retain the \$325.00 filing fee that the claimant deposited previously.

OTHER FEES: Pursuant to Rule 10333 of the Code, Respondent Morgan Stanley DW, Inc. has paid to NASD Dispute Resolution the \$325.00 Member Surcharge previously invoiced.

OTHER ISSUES: The Arbitrator recommends the expungement of all reference to the above captioned arbitration from Respondents Austin Langley Palmer, Richard H. Gross and Guy Steven Gentry'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, Respondents Austin Langley Palmer, Richard H. Gross and Guy Steven Gentry must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

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N. John Garcia

Sole Public Arbitrator

AFFIRMATION

I, N. John Garcia, 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.



N. John Garcia

(Signature Date)

JULY 15, 2005

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