

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

John Madril and Danielle Madril JT and Danielle Madril (Claimants) vs. Morgan Stanley & Co., Incorporated and Paul Lawrence Fowler (Respondents)

Case Number: 05-00745

Hearing Site: Boston, Massachusetts

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

REPRESENTATION OF PARTIES

Claimants John Madril and Danielle Madril JT ("Madril") and Danielle Madril ("D. Madril") hereinafter collectively referred to as "Claimants": Appeared *pro se*.

Respondents Morgan Stanley & Co., Incorporated ("Morgan") and Paul Lawrence Fowler ("Fowler"), hereinafter collectively referred to as "Respondents": Alan S. Brodherson, Esq. Attorney at Law, New York, NY. Previously represented by Howard Sendrovitz, Esq., Morgan Stanley, Purchase, NY.

CASE INFORMATION

Statement of Claim filed on or about: February 8, 2005.

Madril signed the Uniform Submission Agreement: February 20, 2005.

D. Madril signed the Uniform Submission Agreement: February 20, 2005.

Joint Statement of Answer and Motion for Substitution of Party filed by Respondents on or about: April 28, 2005.

Morgan did not submit a signed Uniform Submission Agreement.

Fowler did not submit a signed Uniform Submission Agreement.

CASE SUMMARY

Claimants asserted the following causes of action: illegal and unethical activities, breach of fiduciary duty, omission of facts, negligence, failure to supervise, underwriting, churning, misrepresentations and non-disclosures. The causes of action relate to the IPO's of Via Networks (VNWT) and Palm Inc., (PALM).

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

RELIEF REQUESTED

Claimants requested: compensatory damages in the amount of \$120,264.00, punitive damages in the amount of \$250,000.00, and actual damages in the amount of \$75,703.00.

Respondents requested that the Statement of Claim be dismissed in its entirety, costs and expenses of this arbitration, expungement of Respondent Fowler's Central Registration Depository ("CRD") record, and such other and further relief as is just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

Respondents did not file with NASD Dispute Resolution properly executed Uniform Submission Agreements but are required to submit to arbitration pursuant to the Code and, having answered the claim, appeared and testified at the hearing, are bound by the determination of the Panel on all issues submitted.

The parties have agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered.

AWARD

After considering the pleadings, the testimony and evidence presented at the hearing, 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.
2. Respondent Fowler's request for the expungement of his CRD record is denied.
3. Any and all relief not specifically addressed herein, including punitive damages, is denied.

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	= \$ 300.00
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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, Morgan Stanley & Co., Incorporated is a party.

Member surcharge	= \$ 1,700.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$ 2,750.00

Forum Fees and Assessments

The Panel has assessed forum fees for each session conducted or each decision rendered on a discovery-related motion on the papers. 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:

Two (2) Pre-hearing sessions with a single arbitrator @ \$450.00	= \$ 900.00
Pre-hearing conferences: December 9, 2005 1 session	
January 6, 2006 1 session	
One (1) Pre-hearing session with Panel @ \$1,125.00	= \$ 1,125.00
Pre-hearing conference: July 28, 2005 1 session	
Four (4) Hearing sessions @ \$1,125.00	= \$ 4,500.00
Hearing Dates: February 7, 2006 2 sessions	
February 8, 2006 2 sessions	
Total Forum Fees	= \$ 6,525.00

1. The Panel has assessed \$3,262.50 of the forum fees jointly and severally to Claimants.
2. The Panel has assessed \$3,262.50 of the forum fees jointly and severally to Respondents.

Fee Summary

1. Claimants are jointly and severally liable for:	
Initial Filing Fee	= \$ 300.00
Forum Fees	= \$ 3,262.50
Total Fees	= \$ 3,562.50
Less payments	= \$ 1,425.00
Balance Due NASD Dispute Resolution	= \$ 2,137.50
2. Respondent Morgan is solely liable for:	
Member Fees	= \$ 5,200.00
Total Fees	= \$ 5,200.00
Less payments	= \$ 5,200.00
Balance Due NASD Dispute Resolution	= \$ 0.00
3. Respondents are jointly and severally liable for:	
Forum Fees	= \$ 3,262.50
Total Fees	= \$ 3,262.50
Less payments	= \$ 2,450.00
Balance Due NASD Dispute Resolution	= \$ 812.50

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

ARBITRATION PANEL

Theodore H. O'Brien, Esq.	-	Public Arbitrator, Presiding Chairperson
William George Hayward, Jr., Esq.	-	Public Arbitrator
John A. Goc	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures



Theodore H. O'Brien, Esq.
Public Arbitrator, Presiding Chairperson

2/17/06
Signature Date

William George Hayward, Jr., Esq.
Public Arbitrator

Signature Date

John A. Goc
Non-Public Arbitrator

Signature Date

February 23, 2006

Date of Service (For NASD Dispute Resolution use only)

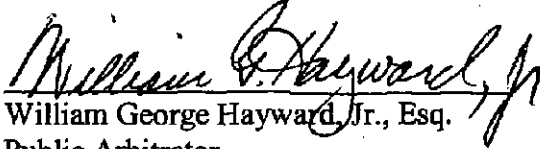
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Signature Date



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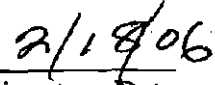
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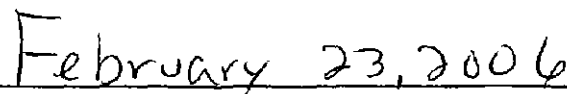
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