

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

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CASE: 05-00843

Pearl Wexler, (Claimant) vs. Morgan Stanley & Co., Inc., (Respondent)

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**ATTORNEYS:**

For Claimant appeared Mitchell L. Perlstein, Esq., of the firm Investors Law Center, Boca Raton, FL.

For Respondent appeared in-house counsel John Castelly, Esq., Purchase, NY.

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**NATURE OF DISPUTE:** Customer vs. Member

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**DATE FILED:** February 14, 2005

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**CASE SUMMARY:** Claimant alleged that Respondent breached its fiduciary duty by placing her in investments that were unsuitable for her needs. Claimant further alleged negligence, breach of contract, fraud, breach of contract, misrepresentations and violation of federal and state laws. Claimant maintained that due to Respondent's actions, she suffered a financial loss. Claimant's claim involved various mutual funds.

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**Claim Data**

Claim: \$25,000.00  
Attorney Fees: Unspecified  
Filing Fees: Unspecified  
Other: Unspecified

**Award Data**

Award: \$21,450.00  
Attorney Fees: \$.00  
Filing Fees: \$212.50  
Other: \$.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 and shall pay to the Claimant \$21,450.00. 2) All requests for attorney fees are denied. 3) All other relief requests are denied. 4) NASD Dispute Resolution shall retain the \$425.00 filing fee that the Claimant deposited previously. 5) Respondent is liable and shall pay Claimant \$212.50 as reimbursement of one half of the filing fee.

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

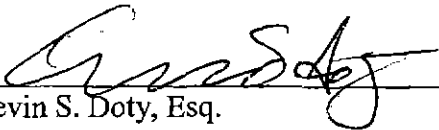
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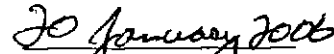
Kevin S. Doty, Esq.

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Sole Public Arbitrator

AFFIRMATION

I, Kevin S. Doty, Esq., 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.

  
Kevin S. Doty, Esq.

  
(Signature Date)

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