

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 05-02965

Morgan Stanley DW Inc., (Claimant) vs. Kevin A. Lenox, (Respondent)

ATTORNEYS:

For Claimant appeared Diane C. Fischer, Esq., of the firm Kane & Fischer, Chicago, IL.

Respondent did not submit an Answer to the Statement of Claim.

NATURE OF DISPUTE: Member v. Associated Person

DATE FILED: June 6, 2005

CASE SUMMARY: Claimant alleged that Respondent breached an employment contract by failing to repay monies owed pursuant to the terms of a Promissory Note. Claimant maintained that due to Respondent's actions, the firm suffered a financial loss.

Claim Data

Claim: \$15,000.00
Interest: Unspecified

Attorney Fees: Unspecified
Filing Fees: Unspecified
Other: Unspecified

Award Data

Award: \$15,00.00
Interest: granted at the rate of 5.98%
per annum from 9/7/99-payment of
award.
Attorney Fees: \$3,487.00
Filing Fees: \$1,050.00
Other: \$928.28

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 \$15,000.00. 2) Respondent is liable and shall pay to the Claimant \$3,487.00 for attorney fees pursuant to the terms of the Promissory Note. 3) Respondent is liable and shall pay to the Claimant interest at the rate of 5.98% per annum from September 7, 1999 until date of payment of the award. 4) Respondent is liable and shall pay to the Claimant \$928.28 for other costs pursuant to Claimant's affidavit of costs. 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.

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

OTHER ISSUES: Pursuant to the By-Laws of NASD Dispute Resolution, the arbitrator determined that Respondent Kevin A. Lenox was served notice of the Statement of Claim by regular mail, Overdue Notice and Notification of Arbitrator by certified mail, and is therefore bound by the arbitrator's ruling and determination.

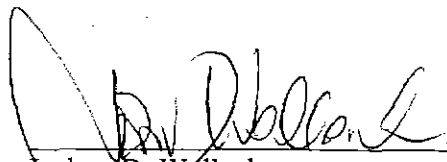
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Award 05-02965

Joshua D. Wallach

Sole Non-Public Arbitrator

AFFIRMATION

I, Joshua D. Wallach, 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.


Joshua D. Wallach

11-16-05
(Signature Date)

NOVEMBER 29, 2005
Date of Service (For NASD-DR office use only)