

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Abdul Afridi (Claimant) vs. Morgan Stanley Dean Witter, Inc. (Respondent)

Case Number: 05-03580

Hearing Site: New York, New York

Nature of the Dispute: Customer vs. Member.

REPRESENTATION OF PARTIES

Claimant Abdul Afridi hereinafter referred to as "Claimant": G. Alexander Novak, Esq., Novak, Juhase & Stern, LLP, Cedarhurst, NY.

Respondent Morgan Stanley Dean Witter, Inc. hereinafter referred to as "Respondent": Timothy E. Di Domenico, Esq., Greenberg Trauring, LLP, New York, NY.

CASE INFORMATION

Statement of Claim filed on or about: July 11, 2005.

Claimant signed the Uniform Submission Agreement: May 14, 2005.

Statement of Answer filed by Respondent on or about: September 6, 2005.

Respondent did not sign the Uniform Submission Agreement.

CASE SUMMARY

Claimant asserted the following cause of action: post arbitration award request for additional legal fees against Respondent.

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

RELIEF REQUESTED

Claimant requested additional attorneys' fees in the amount of \$24,000.00, plus arbitration costs for legal expenses incurred as a result of Respondent's appeal of the original arbitration decision rendered in NASD Case Number 01-03013.

Respondent requested the Arbitrator dismiss the Statement of Claim in its entirety; assess all costs and attorneys' fees against Claimant; and such other and further relief as the Arbitrator deems just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

Respondent did not file with NASD Dispute Resolution a properly executed Uniform Submission Agreement but is required to submit to arbitration pursuant to the Code and, having answered the claim, appeared and testified at the hearing, is bound by the determination of the Arbitrator 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 Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimant's claims are dismissed in their entirety.
2. Any relief not specifically addressed herein 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 = \$ 125.00

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 Dean Witter, Inc. is a party.

Member surcharge = \$ 425.00

Forum Fees and Assessments

The Arbitrator 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 arbitrator, including a pre-hearing conference with the arbitrator, that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with a single arbitrator @ \$450.00 per session = \$ 450.00

Pre-hearing conference: November 18, 2005 1 session

One (1) Hearing session @ \$450.00 per session = \$ 450.00

Hearing Date: December 20, 2005 1 session

Total Forum Fees = \$ 900.00

1. The Arbitrator has assessed \$450.00 of the forum fees to Claimant.

2. The Arbitrator has assessed \$450.00 of the forum fees to Respondent.

Fee Summary

1. Claimant is solely liable for:

Initial Filing Fee	= \$	125.00
<u>Forum Fees</u>	= \$	<u>450.00</u>
Total Fees	= \$	575.00
<u>Less payments</u>	= \$	<u>575.00</u>
Balance Due NASD Dispute Resolution	= \$	0.00

2. Respondent is solely liable for:

Member Fees	= \$	425.00
<u>Forum Fees</u>	= \$	<u>450.00</u>
Total Fees	= \$	875.00
<u>Less payments</u>	= \$	<u>425.00</u>
Balance Due NASD Dispute Resolution	= \$	450.00

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

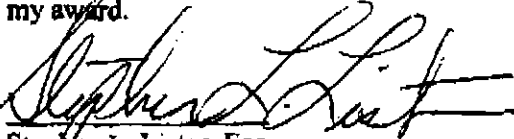
ARBITRATOR

Stephen L. Lister, Esq.

Sole Public Arbitrator

Arbitrator's Signature

I, the undersigned arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument, which is my award.



Stephen L. Lister, Esq.
Public Arbitrator

1/10/06
Signature Date

JANUARY 11, 2006
Date of Service (For NASD Dispute Resolution use only)