

**Award
NASD Dispute Resolution**

In the Matter of the Arbitration Between:

Joseph and John Matusiak (Claimants) v. Morgan Stanley Dean Witter and Randal Feig (Respondents)

Case Number: 05-05291

Hearing Site: Newark, New Jersey

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

REPRESENTATION OF PARTIES

Claimants Joseph and John Matusiak hereinafter collectively referred to as "Claimants": Samuel J. Myles, Esq., Holston, MacDonald, Uzdavinis, Eastlack & Ziegler, Woodbury, NJ.

Respondents Morgan Stanley Dean Witter ("MSDW") and Randal Feig ("Feig") hereinafter collectively referred to as "Respondents": August "Jamie" H. Schupp, Esq., Morgan Stanley, Chicago, IL.

CASE INFORMATION

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

Claimant Joseph Matusiak signed the Uniform Submission Agreement: September 5, 2005.

Claimant John Matusiak signed the Uniform Submission Agreement: September 3, 2005.

Joint Statement of Answer filed by Respondents on or about: December 23, 2005.

MSDW did not submit a signed Uniform Submission Agreement.

Feig did not submit a signed Uniform Submission Agreement.

CASE SUMMARY

Claimants asserted the following causes of action: unauthorized trading, breach of fiduciary duty, forgery, and fraud. Claimants' claims involve unspecified high tech stocks.

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 \$59,000.00 in compensatory damages, \$25,000.00 in punitive damages, interest in the amount of \$17,500.00, attorney's fees, witness and production fees, forum fees, and other case-related costs.

Respondents requested that Claimants' claims be dismissed in their entirety.

OTHER ISSUES CONSIDERED AND DECIDED

Respondents MSDW and Feig did not file with NASD Dispute Resolution a properly executed Uniform Submission Agreement 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 denied in their entirety.
2. 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	= \$ 225.00
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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 Dean Witter is a party.

Member surcharge	= \$1,100.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$1,700.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

November 28 and 29, 2006 adjournment by Respondents	= \$ 750.00
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Three-Day Cancellation Fees

Fees apply when a hearing on the merits is postponed or settled within three business days before the start of a scheduled hearing session:

November 28 and 29, 2006 adjournment by Respondents	= \$ 300.00
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Forum Fees and Assessments

The Panel has assessed forum fees for each session conducted. 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 session with Panel @ \$750.00	= \$1,500.00
Pre-hearing conference: November 9, 2006	1 session
November 28, 2006	1 session
Two (2) Hearing sessions @ \$750.00	= \$1,500.00
Hearing Date(s): January 8, 2007	2 sessions
Total Forum Fees	= \$3,000.00

1. The Panel has assessed \$1,500.00 of the forum fees jointly and severally against Claimants.
2. The Panel has assessed \$1,500.00 of the forum fees jointly and severally against Respondents.

Fee Summary

1. Claimants are jointly and severally liable for:	
Initial Filing Fee	= \$ 225.00
Forum Fees	= \$1,500.00
Total Fees	= \$1,725.00
Less payments	= \$ 975.00
Balance Due NASD Dispute Resolution	= \$ 750.00

2. Respondent MSDW is solely liable for:

<u>Member Fees</u>	= \$3,550.00
<u>Total Fees</u>	= \$3,550.00
<u>Less payments</u>	= \$3,550.00
Balance Due NASD Dispute Resolution	= \$ 0.00

4. Respondents are jointly and severally liable for:


Forum Fees	= \$1,500.00
Adjournment Fee	= \$ 750.00
<u>Three-Day Cancellation Fee</u>	= \$ 300.00
<u>Total Fees</u>	= \$2,550.00
<u>Less payments</u>	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$2,550.00

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

ARBITRATION PANEL

Raymond S. Fleishman	-	Public Arbitrator, Presiding Chairperson
Sandra Gayle Behrle, Esq.	-	Public Arbitrator
Stanley M. Lenkowitz, Esq.	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures



Raymond S. Fleishman
Public Arbitrator, Presiding Chairperson

1/23/07

Signature Date

Sandra Gayle Behrle, Esq.
Public Arbitrator

Signature Date

Stanley M. Lenkowitz, Esq.
Non-Public Arbitrator

Signature Date

January 23, 2007

Date of Service (For NASD Dispute Resolution use only)

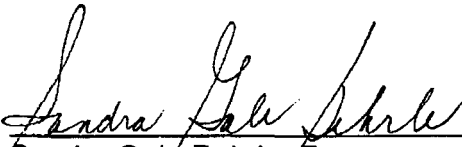
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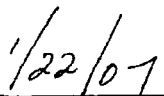
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