

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 06-02109

Daniel T. King, (Claimant) vs. John MacColl and Morgan Stanley, DW, Inc.,
(Respondents)

ATTORNEYS:

For Claimant appeared Alice L. Stewart, Esq. of The Duquesne University Law School,
Pittsburgh, PA.

For Respondents appeared in-house counsel, Andrew Lipton, Esq., Purchase, NY.

NATURE OF DISPUTE: Customer v. Member and Associated Person

DATE FILED: April 25, 2006

CASE SUMMARY: Claimant alleged that Respondents placed him in investments that were unsuitable for his needs, misrepresented facts regarding these investments and breached their fiduciary duty. Claimant further alleged unauthorized trading and failure to supervise. Claimant maintained that due to Respondents' actions, he suffered a financial loss. Claimant's claim involved corporate bonds.

Claim Data

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

Award Data

Award: \$.00
Interest: \$.00
Filing Fees: \$212.50
Other: \$.00

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) The claims of the Claimant are dismissed in their entirety. 2) All requests for interest 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) Respondents are jointly and severally liable and shall pay Claimant \$212.50 as reimbursement of one half of the filing fee. 6) The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent John MacColl's registration records maintained by the Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 04-16, Respondent John MacColl must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive. Unless specifically waived in writing by the NASD, parties seeking judicial confirmation of an arbitration award containing expungement relief must name NASD as an additional party and serve NASD with all appropriate documents. Pursuant to Rule 2130 of the NASD Code of Arbitration Procedure, the arbitration panel has made the following affirmative findings of fact: The claim, allegation, or information is false.

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OTHER FEES: Pursuant to Rule 10333 of the Code, Respondent, Morgan Stanley, DW, Inc., has not paid to NASD Dispute Resolution the \$425.00 Member Surcharge previously invoiced.


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Marc Gertner, Esq.

Sole Public Arbitrator

AFFIRMATION

I, Marc Gertner, 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.


Marc Gertner, Esq.


(Signature Date)

September 7, 2006

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