

**Award
NASD Dispute Resolution**

In the Matter of the Arbitration Between:

Annalisa Noonan and Stanley J. Korich, Claimants v. Morgan Stanley DW Inc.,
Respondent

Case Number: 06-02719

Hearing Site: San Francisco, California

Nature of the Dispute: Customers vs. Member

REPRESENTATION OF PARTIES

For Claimants:

Stanley J. Korich and
Annalisa Noonan
Oakland, California

For Respondent:

Melissa M. Maccarone, Esq.
Morgan Stanley DW Inc.
San Francisco, California

CASE INFORMATION

Statement of Claim filed: June 2, 2006

Claimants' Response to Respondent's Motion to Dismiss filed: October 2, 2006

Claimants' Uniform Submission Agreement signed: June 1, 2006

Motion to Dismiss and Statement of Answer filed by Respondent Morgan Stanley DW Inc. ("Morgan Stanley"): August 1, 2006

Respondent's Reply in Support of Motion to Dismiss filed: October 18, 2006

Respondent's Uniform Submission Agreement signed: August 1, 2006

CASE SUMMARY

Claimants alleged that they suffered damages because of Respondent's breach of fiduciary duty regarding the handling of Claimants' account. Claimants' dispute involved investments in mutual fund B shares.

Respondent denied Claimants' allegations of wrongdoing and denied any liability to Claimants. Respondent alleged that Claimants' Claim is time-barred under various statutes of limitations. Respondent also asserted affirmative defenses.

RELIEF REQUESTED

Claimants requested damages in the amount of \$30,833.63.

Respondent requested that Claimants take nothing from their Statement of Claim and that the Panel enter an award in favor of Respondent.

AWARD

After considering the pleadings, and positions of the parties relative to Respondent's Motion to Dismiss, the Panel decided in full and final resolution of the issues submitted for determination as follows:

- 1) Respondent's Motion to Dismiss is granted. Accordingly, all claims by Claimants are dismissed.
- 2) Each party shall bear its own costs, including attorney's fees.
- 3) All other relief not expressly granted is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution received or will collect the non-refundable filing fees for each claim as follows:

Initial claim filing fee	= \$175.00
--------------------------	------------

Member Fees

Member fees are assessed to each member firm that is either a party in the matter or an employer of a respondent associated person at the time of the events that gave rise to the dispute, claim, or controversy. Accordingly, Morgan Stanley is a party and the following fees are assessed:

Member Surcharge	= \$ 875.00
Pre-Hearing Process Fee	= \$ 750.00
Hearing Process Fee	= \$ 1,000.00
<u>Total Member Fees</u>	<u>= \$ 2,625.00</u>

Forum Fees and Assessments

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

(2) Pre-hearing conference sessions with a single arbitrator
@ \$450.00/session = \$900.00
Pre-hearing conferences: October 5, 2006 1 session
October 31, 2006 1 session

Total Forum Fees = \$900.00

The Panel assessed the \$900.00 in forum fees to Respondent Morgan Stanley.

Fee Summary

1. Claimants Annalisa Noonan and Stanley J. Korich are charged jointly and severally with the following fees and costs:

Initial Filing Fee	= \$ 175.00
<u>Less Payments</u>	= \$(625.00)
Refund Due Claimants	= \$(450.00)

2. Respondent Morgan Stanley is charged with the following fees and costs:

Member Fees	= \$ 2,625.00
<u>Forum Fees</u>	<u>= \$ 900.00</u>
Total Fees	= \$ 3,525.00
<u>Less Payments</u>	<u>= \$(2,500.00)</u>
Balance Due NASD Dispute Resolution	= \$ 1,025.00

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

ARBITRATION PANEL

Helen B. Culiner, Esq.

Public Arbitrator, Presiding Chair

Presiding Arbitrator's Signature

Helen B. Culiner
Helen B. Culiner, Esq.
Chair, Public Arbitrator

November 1, 2006
Signature Date

11/1/06
Date of Service