

**Award**  
**NASD Regulation, Inc.**

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In the Matter of the Arbitration Between:  
Phil Peralta, Claimant v. Morgan Stanley Dean Witter, Inc. and Don Gray, Respondents.

Case Number: 99-01120

Hearing Site: Los Angeles, California

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**REPRESENTATION OF PARTIES**

For Claimant:

Philip Peralta  
In Pro Per  
Tustin, California

For Respondents:

Morgan Stanley Dean Witter, Inc.  
and Don Gray

Janet T. Epstein, Esq.  
Morgan Stanley Dean Witter, Inc.  
San Francisco, California

**CASE INFORMATION**

Statement of Claim filed: February 16, 1999

Claimant's Uniform Submission Agreement signed: March 2, 1999

Joint Statement of Answer filed by Respondents Morgan  
Stanley Dean Witter, Inc. and Don Gray: May 14, 1999

Respondent Morgan Stanley Dean Witter, Inc.'s Uniform  
Submission Agreement signed: May 13, 1999

Respondent Don Gray's Uniform Submission  
Agreement signed: May 5, 1999

**CASE SUMMARY**

Claimant alleged negligence, breach of contract, breach of fiduciary duty, and failure to supervise.

Respondents denied the allegations of wrongdoing set forth in the Claimant's Statement of Claim.

### **RELIEF REQUESTED**

Claimant requested \$7,000.00 in compensatory damages, \$3,000.00 in punitive damages, and reimbursement for costs of arbitration.

Respondents requested dismissal of the Claimant's Statement of Claim in its entirety.

### **AWARD**

After considering the pleadings, the testimony and evidence presented at the hearing, and the post-hearing submission, the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. All Claims in Claimant's Statement of Claim are denied in their entirety.
2. Each party shall bear its own costs of arbitration, including attorney's fees.
3. All relief requested and not granted is expressly denied.

### **FEES**

Pursuant to the Code, the following fees are assessed:

#### **Filing Fees**

NASD Regulation, Inc. has received or will collect the non-refundable filing fees for each claim as follows:

Initial claim filing fee	= \$ 75.00
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#### **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 event of the dispute. Accordingly, the member firm Morgan Stanley Dean Witter, Inc. is a party and the following fees are assessed:

<u>Member Surcharge</u>	= \$300.00
Total Member Fees	= \$300.00

**Forum Fees and Assessments**

The Arbitrator/Panel assessed a forum fee for each pre-hearing conference or hearing session conducted. A pre-hearing conference and hearing session is any meeting between the parties and the Chair/Panel. The following fees are assessed:

One Pre-hearing conference session(s) with a single arbitrator @ \$ 200.00 = \$ 200.00  
Pre-hearing conference(s): Date January 6, 2000 1 session

Two Hearing sessions @ \$200.00 = \$ 400.00  
Hearing(s): Date March 23, 2000 2 session(s)

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**Total Forum Fees** = \$ 600.00

1. The Arbitrator has assessed \$ 300.00 of the forum fees to Claimant Phil Peralta.
2. The Arbitrator has assessed \$ 300.00 of the forum fees Jointly and severally to Respondents Morgan Stanley Dean Witter, Inc. and Don Gray.

**Administrative Costs**

Administrative costs are expenses incurred because a party requested additional services beyond the normal administrative services. These additional services include, but are not limited to, additional copies of arbitrator awards, copies of audio transcripts, retrieval of documents from archives, interpreters, security, and sundry other requests.

Phil Peralta, requested photocopies: =\$ 30.00

**Fee Summary**

1. Claimant, Phil Peralta, is charged with the following fees and costs:

Initial Filing Fee	= \$ 75.00
Forum Fees	= \$ 300.00
<u>Administrative Costs</u>	= \$ 30.00
Total Fees	= \$ 405.00
<u>Less payments</u>	= (\$ 305.00)
<b>Balance Due NASD Regulation, Inc.</b>	<b>= \$ 100.00</b>

3. Respondent, Morgan Stanley Dean Witter, Inc., is charged with the following fees and costs:

<u>Member Fees</u>	= \$ 300.00
Total Fees	= \$ 300.00
<u>Less payments</u>	= \$ 300.00
<b>Balance Due NASD Regulation, Inc.</b>	<b>= \$ 0</b>

4. Respondents, Morgan Stanley Dean Witter, Inc. and Don Gray, are charged jointly and severally with the following fees and costs:

Forum Fees	= \$ 300.00
<b>Balance Due NASD Regulation, Inc.</b>	<b>= \$ 300.00</b>

All balances are payable to NASD Regulation, Inc. and are due within 30 days of the Award's date of service.

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Arbitrator's Signature



Jonathan H. Greenspan, JD  
Chair, Public Arbitrator

3-31-00

Signature Date

March 31, 2000

Date of Service