

Award
NASD Regulation, Inc.

In the Matter of the Arbitration Between:

Daryoush Javaheri, Claimant v. Morgan Stanley Dean Witter and Artemis Riazzi, Respondents.

Case Number: 99-02371

Hearing Site: Los Angeles, California

REPRESENTATION OF PARTIES

For Claimant:

George M. Gavalas, Esq.
Law Offices of George Gavalas
Mineola, New York

For Respondents:

Wendy R. Robinson, Esq.
Morgan Stanley Dean Witter
San Francisco, California

CASE INFORMATION

Statement of Claim filed: May 20, 1999

Claimant's Uniform Submission Agreement signed: May 20, 1999

Joint Statement of Answer filed by Respondents Morgan Stanley Dean Witter and Artemis Riazzi:
August 3, 1999

Respondent Morgan Stanley Dean Witter's Uniform Submission Agreement signed: July 29,
1999

Respondent Artemis Riazzi's Uniform Submission Agreement signed: July 28, 1999

CASE SUMMARY

Claimant alleged failure to execute an order.

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

RELIEF REQUESTED

Claimants requested actual damages of \$24,260.00.

Respondents requested dismissal of the Claimant's Statement of Claim in its entirety, attorney's fees and costs.

OTHER ISSUES CONSIDERED AND DECIDED

On April 18, 2000, the NASD sent notice to all parties that pre-hearing dates must be selected and submitted on or before May 3, 2000. The notice informed the parties that if they failed to submit dates, the Arbitrator could dismiss the case without prejudice. The parties did not contact the NASD office with mutually agreed upon dates or a schedule of possible dates.

On May 11, 2000, the Arbitrator ordered this case dismissed without prejudice for Claimant's failure to prosecute.

AWARD

The Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

- 1) Claimant's claims are dismissed without prejudice due to Claimant's failure to prosecute the claim.
- 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 Regulation, Inc. has received or will collect the non-refundable filing fees for each claim as follows:

Initial claim filing fee	= \$ 125.00
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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 is a party and the following fees are assessed:

Member Surcharge	= \$ 400.00
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Forum Fees and Assessments

The Arbitrator 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. The following fees are assessed:

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

Pre-hearing conference: December 28, 1999 1 Session

Total Forum Fees = \$ 450.00

The Arbitrator has assessed \$450.00 of the forum fees to Claimant Daryoush Javaheri

Fee Summary

1. Claimant, Daryoush Javaheri, is charged with the following fees and costs:

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 Regulation, Inc.	= \$ 0.00

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

Member Fees	= \$ 400.00
<u>Less payments</u>	<u>= \$(400.00)</u>
Balance Due NASD Regulation, Inc.	= \$ 0.00

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

Arbitrator's Signature

G. Timothy Haight
G. Timothy Haight, DBA
Chair, Public Arbitrator

5/16/00
Signature Date

May 16, 2000
Date of Service