

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Kim Moorning-Brown, (Claimant) vs. Bear, Stearns & Co., Inc., (Respondent)

Case Number: 99-05764

Hearing Site: New York, New York

REPRESENTATION OF PARTIES

Claimant, Kim Moorning-Brown, hereinafter referred to as "Claimant", appeared *pro se*.

Respondent, Bear, Stearns & Co., Inc., hereinafter referred to as "Respondent": Izabel P. McDonald, Esq., Kramer Levin Naftalis & Frankel LLP, New York, NY.

CASE INFORMATION

Statement of Claim filed on or about: December 30, 1999.

Response to Statement of Answer filed by Claimant on or about: July 17, 2000.

Claimant signed the Uniform Submission Agreement: December 30, 1999.

Statement of Answer filed by Respondent on or about: July 13, 2000.

Respondent signed the Uniform Submission Agreement: July 13, 2000.

CASE SUMMARY

Claimant asserted the following causes of action: racial and gender discrimination; sexual harassment; threat of physical harm; intentional infliction of emotional distress; blacklisting; failure to promote Claimant; unequal terms and conditions of Claimant's employment; retaliation; intimidation; sabotaging of work and work-related documents; causing of permanent physical damage; and violation of Title VII of the Civil Rights Act of 1964 as codified, 42 U.S.C. section 2000e to 2000e-17 (amended in 1972, 1978, and by the Civil Rights Act of 1991).

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim and asserted the following defenses: Claimant did not make any complaints of discrimination or harassment while she was employed at Respondent; Respondent had no alternative but to terminate Claimant because she repeatedly failed to fulfill her responsibilities in an effective and timely manner; Respondent at all times treated Claimant fairly, and terminated her for legitimate, non-discriminatory reasons; and Claimant's allegations of discrimination are belied by the fact that the person who fired her actually hired her.

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$10,000,000.00, plus punitive damages in the amount of \$20,000,000.00.

Respondent requested that the Statement of Claim be dismissed, that Respondent be awarded the costs incurred in defending this action, and that Respondent be granted any other and further relief to which it may be entitled.

OTHER ISSUES CONSIDERED AND DECIDED

Claimant originally brought this action in United States District Court of the Southern District of New York. Respondent moved to stay the action and to compel arbitration, which was granted on November 17, 1999.

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. The Panel hereby dismisses all claims contained in the Statement of Claim, including, but not limited to racial and gender discrimination; sexual harassment; threat of physical harm; intentional infliction of emotional distress; blacklisting; failure to promote Claimant; unequal terms and conditions of Claimant's employment; retaliation; intimidation; sabotaging of work and work-related documents; causing of permanent physical damage; and violation of Title VII of the Civil Rights Act of 1964 as codified, 42 U.S.C. section 2000e to 2000e-17 (amended in 1972, 1978, and by the Civil Rights Act of 1991).
2. All other requests for relief are hereby 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 = \$ 600.00

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. In this matter, Bear, Stearns & Co., Inc. is a party.

Member surcharge	= \$ 3,600.00
Pre-hearing process fee	= \$ 600.00
Hearing process fee	= \$ 5,000.00

Adjournment Fees

Adjournments requested during these proceedings:

Nov. 5, 6, 7, 13, 14 & 15, 2001, adjournment by Respondent = \$ 600.00 each

The Panel has assessed the adjournment fee equally between Claimant and Respondent.

Forum Fees and Assessments

The Panel assesses forum fees for each hearing session conducted. A hearing session is any meeting between the parties and the arbitrators, including a pre-hearing conference with the arbitrators, that lasts for (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with a single arbitrator x \$450.00	= \$ 450.00
Pre-hearing conference: September 6, 2002	1 session

Three (3) Pre-hearing sessions with Panel x \$1,200.00	= \$ 3,600.00
Pre-hearing conferences: May 31, 2001	1 session
August 21, 2001	1 session
November 5, 2001	1 session

Eight (8) Hearing sessions x \$1,200.00 = \$ 9,600.00

Hearing Dates:	September 18, 2002	2 sessions
	September 19, 2002	2 sessions
	September 24, 2002	2 sessions
	October 9, 2002	2 sessions

Total Forum Fees = \$13,650.00

1. The Panel has assessed \$6,825.00 of the forum fees against Claimant.
2. The Panel has assessed \$6,825.00 of the forum fees against Respondent.

Administrative Costs

Administrative costs are expenses incurred due to a request by a party for special services including, but not limited to, additional copies of arbitrator awards beyond those provided without charge, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

1. Respondent, requested copies of past awards, \$70.00.

Fee Summary

1. Claimant is solely liable for:

Initial Filing Fee	= \$ 600.00
Adjournment Fee	= \$ 600.00
Forum Fees	= \$ 6,825.00
Total Fees	= \$ 8,025.00
Less payments	= \$ 600.00
Balance Due NASD Dispute Resolution	= \$ 7,425.00

2. Respondent is solely liable for:

Member Fees	= \$ 9,200.00
Adjournment Fee	= \$ 600.00
Forum Fees	= \$ 6,825.00
Administrative Costs	= \$ 70.00
Total Fees	= \$16,695.00
Less payments	= \$13,470.00
Balance Due NASD Dispute Resolution	= \$ 3,225.00

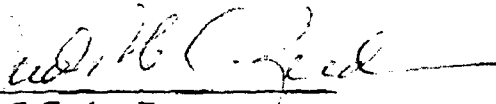
All balances are payable to NASD Dispute Resolution, and are due upon receipt pursuant to Rule 10330(g) of the Code.

ARBITRATION PANEL

Judith C. Zerden, Esq.	-	Public Arbitrator, Presiding Chair
George W. Fehling	-	Public Arbitrator
Arnold Wagner	-	Public Arbitrator

Concurring Arbitrators' Signatures

I, the undersigned arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument which is my award.



Judith C. Zerden, Esq.
Public Arbitrator, Presiding Chair



Signature Date

George W. Fehling
Public Arbitrator

Signature Date

Arnold Wagner
Public Arbitrator

Signature Date

November 18, 2002
Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL

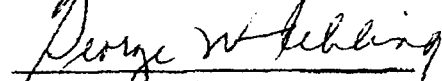
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George W. Fehling	-	Public Arbitrator
Arnold Wagner	-	Public Arbitrator

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Judith C. Zerden, Esq.
Public Arbitrator, Presiding Chair

Signature Date



George W. Fehling
Public Arbitrator

October 30, 2002

Signature Date

Arnold Wagner
Public Arbitrator

Signature Date

November 18, 2002
Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL

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Arnold Wagner	-	Public Arbitrator

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Judith C. Zerden, Esq.
Public Arbitrator, Presiding Chair

Signature Date

George W. Fehling
Public Arbitrator

Signature Date



Arnold Wagner
Public Arbitrator

10/30/02

Signature Date

November 18, 2002
Date of Service (For NASD Dispute Resolution use only)