Served 10/31/01

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant
Helen Weiss

Case Number: 01-04953

Names of the Respondents
Morgan Stanley DW, Inc.
Phillip J. Berk
Mary Meeker

Hearing Site: Boca Raton, Florida

REPRESENTATION OF PARTIES

For Helen Weiss, hereinafter referred to as "Claimant": Darren C. Blum, Esq., Law Offices of Darren C. Blum, P.A., Plantation, Florida.

For Morgan Stanley DW, Inc. ("Morgan"): Allison Doneghey, Esq., Morgan Stanley DW, Inc. Law Department, Sarasota, Florida.

For Phillip J. Berk ("Berk") and Mary Meeker ("Meeker"), hereinafter collectively referred to with Respondent Morgan as "Respondents": William Pratt, Esq., Joseph Serino, Jr., Esq., Andrew Horne, Esq., and Maria Ginzburg, Esq., Kirkland & Ellis, New York, New York.

CASE INFORMATION

Statement of Claim filed on or about: September 13, 2001.
Claimant signed the Uniform Submission Agreement: August 21, 2001.
Statement of Answer filed by Respondents on or about: January 16, 2002.
Respondent Meeker signed the Uniform Submission Agreement: May 7, 2002.
Respondents Morgan and Berk did not file executed Uniform Submission Agreements.

CASE SUMMARY

Claimant asserted the following causes of action: violation of industry rules and Florida Statutes (specifically Section 517.301); breach of contract; breach of fiduciary duties; disregard of Claimant's stated investment objectives; common law fraud; over-concentration in technology stocks; unsuitable and improper use of margin; unsuitable options recommendations; negligence; misrepresentations of material fact and omission of material information to induce Claimant to buy and hold securities; and conflict of interest in that Respondent Morgan was the underwriter and Respondent Meeker was the analyst of certain speculative stocks that Respondents solicited and sold to Claimant. Claimant further asserted that Respondent Morgan was negligent in its supervision, hiring and retention of its employees. The causes of action relate to the purchase of options, Penn

Traffic Bonds and Warrants, and technology stocks in Claimant's account, including the following: Healtheon; At Home; CNET; Digimarc Corporation; Earthlink; Lam Research; North Point; Informix; Web Methods; Women.Com; Priceline; Yahoo Inc.; Razorfish; and "preferred shares" of JDSU expiring in 2002.

Unless specifically admitted in their Answer, Respondents denied the allegations made in the Statement of Claim and asserted various defenses.

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of $1,200,000.00, plus interest at the legal rate from the date of purchase or reasonable market return, rescission, reasonable attorneys' fees (to be determined by a court of competent jurisdiction), punitive damages in the amount of $3,600,000.00, costs of this proceeding, and for such other relief as is just and proper.

Respondents requested that the claim be dismissed and that the Panel award judgment in favor of Respondents.

OTHER ISSUES CONSIDERED AND DECIDED

Respondents Morgan and Berk did not file with NASD Dispute Resolution properly executed submissions to arbitration but are required to submit to arbitration pursuant to the NASD Code of Arbitration Procedure (the "Code") and, having answered the claim, appeared and testified at the hearing, are bound by the determination of the Panel on all issues submitted.

The parties 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, and the post-hearing submissions (if any), the Panel has decided in full and final resolution of the issues submitted for determination as follows:

The Panel has found no wrongdoing on the part of Respondents.

In reference to the Penn Traffic Bonds and Warrants, Respondents Morgan and Berk are jointly and severally liable and shall pay to Claimant the total sum of $156,667.00, inclusive of pre-judgment interest, payable within 60 days of the date of service of the Award.

The Panel recommends the expungement of all references to the above captioned arbitration from Respondents Morgan, Berk, and Meeker's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondents Morgan, Berk and Meeker must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

With consideration to Section 517, Florida Statutes, each party shall pay its own attorneys' fees.

Any and all requests for relief not specifically addressed herein, including Claimant's request for punitive damages and Claimant's claims for relief pursuant to Section 517.301 of the Florida Statutes, are 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(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. Accordingly, Morgan is a party.

Member surcharge	= $2,500.00
Pre-hearing process fee	= $ 600.00
Hearing process fee	= $4,500.00
Total Member Fees	= $7,600.00

Adjournment Fees
Adjournment fees were not assessed in this matter.

Injunctive Relief Fees
Injunctive relief fees are assessed to each member or associated person who files for a temporary injunction in court. Parties in these cases are also assessed arbitrator travel expenses and costs when an arbitrator is required to travel outside his or her hearing location and additional arbitrator honoraria for the hearing for permanent injunction. These fees, except the injunctive relief surcharge, are assessed equally against each party unless otherwise directed by the panel.

Injunctive relief fees were not assessed in this matter.

Forum Fees and Assessments
The Panel has assessed forum fees for each session conducted. 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:

One (1) Pre-hearing session with the Panel @ $1,200.00/session			= $1,200.00
Pre-hearing conference:	April 26, 2002	1 session	
Three (3) Pre-hearing sessions with a single arbitrator @ $450.00/session			= $1,350.00

Pre-hearing conferences:	August 13, 2002	1 session	
	January 9, 2003	1 session	
	May 19, 2003	1 session	
Twenty-one (21) Hearing sessions with the Panel @ $1,200.00/session			=$25,200.00
Hearing Dates:	June 2, 2003	3 sessions	
	June 3, 2003	3 sessions	
	June 4, 2003	1 session	
	June 5, 2003	3 sessions	
	September 22, 2003	3 sessions	
	September 23, 2003	3 sessions	
	September 24, 2003	3 sessions	
	September 25, 2003	2 sessions	
Total Forum Fees			=$27,750.00

The Panel has assessed forum fees of $13,875.00 to Claimant.
The Panel has assessed forum fees of $13,875.00 to Respondents, jointly and severally.

Administrative Costs

Administrative costs are expenses incurred due to a request by a party for special services beyond the normal administrative services. These include, but not limited to, additional copies of arbitrator awards, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

There were no administrative costs incurred in this matter.

Fee Summary

Claimant is solely liable for:

Initial Filing Fee	= $ 600.00
Forum Fees	= $13,875.00
Total Fees	= $14,475.00
Less payments	= $ 1,700.00
Balance Due NASD Dispute Resolution	= $12,775.00

Respondent Morgan is solely liable for:

Member Fees	= $ 7,600.00
Total Fees	= $ 7,600.00
Less payments	= $ 7,600.00
Balance Due NASD Dispute Resolution	= $ 0.00

Respondents Morgan, Berk, and Meeker are jointly and severally liable for:

Forum Fees	= $ 13,875.00
Total Fees	= $ 13,875.00
Less payments	= $ 600.00
Balance Due NASD Dispute Resolution	= $ 13,275.00

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

ARBITRATION PANEL

Tamra H. Sheffman	-	Public Arbitrator, Presiding Chairperson
Camille Besold	-	Public Arbitrator
David Hodgson	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

/s/
Tamra H. Sheffman
Public Arbitrator, Presiding Chairperson

10/4/03
Signature Date

/s/
Camille Besold
Public Arbitrator

10/7/03
Signature Date

/s/
David Hodgson
Non-Public Arbitrator

10/7/03
Signature Date

10/14/03
Date of Service (For NASD Dispute Resolution office use only)

Forum Fees	= $ 13,875.00
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Public Arbitrator, Presiding Chairperson

10/4/03
Signature Date

Camille Besold
Public Arbitrator

Signature Date

David Hodgson
Non-Public Arbitrator

Signature Date

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Public Arbitrator, Presiding Chairperson

Signature Date

Camille Besold

Camille Besold
Public Arbitrator

10-7-03
Signature Date

David Hodgson
Non-Public Arbitrator

Signature Date

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Public Arbitrator, Presiding Chairperson

Signature Date

Camille Besold
Public Arbitrator

Signature Date

David Hodgson
Non-Public Arbitrator

10-7-03
Signature Date

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