

**AWARD**

FINRA Office of DISPUTE RESOLUTION

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CASE #: [REDACTED]

[REDACTED] (Claimant) vs. Morgan Stanley DW Inc. (Respondent)

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**REPRESENTATION OF PARTIES:**

For Claimant [REDACTED]: Docthor Kennedy, J.D., MBA and Armin Sarabi, J.D., AdvisorLaw LLC, Broomfield, Colorado.

For Respondent Morgan Stanley DW Inc.: Lesley V. Tepper, Morgan Stanley Smith Barney, San Francisco, California.

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**NATURE OF DISPUTE:** Associated Person vs. Member

Statement of Claim filed on or about: March 29, 2017.

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**CASE SUMMARY:** Claimant asserted a claim seeking expungement of customer complaint occurrence number [REDACTED] ("Underlying Complaint") from his Central Registration Depository ("CRD") records.

Unless specifically admitted in the Statement of Answer, Respondent denied the allegations made in the Statement of Claim. Respondent advised that it does not oppose Claimant's request for expungement but any request for damages should be denied.

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**RELIEF REQUESTED:** In the Statement of Claim, Claimant requested:

1. Expungement of the Underlying Complaint from his CRD record pursuant to FINRA Rule 2080(b)(1)(A), as the claims, allegations, or information is factually impossible or clearly erroneous.
  2. Expungement of the Underlying Complaint from his CRD record pursuant to FINRA Rule 2080(b)(1)(C), as the claims, allegations, or information is false.
  3. An award of compensatory damages in the amount of \$1.00 from Respondent.
  4. Any and all other relief that the Arbitrator deems just and equitable.
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**AWARD:** The undersigned Arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows:

1. Claimant's request for expungement is denied.
  2. Any and all claims for relief not specifically addressed herein are denied.
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**OTHER ISSUES:** The Arbitrator acknowledges that he has read the pleadings and other materials filed by the parties.

On October 23, 2017, the son of the deceased underlying customers in the Underlying Complaint, "Mr. Z", submitted an opposition to Claimant's request for expungement.

The Arbitrator conducted a recorded telephonic hearing on October 24, 2017 so the parties could present oral argument and evidence on Claimant's request for expungement.

Respondent participated in the expungement hearing and did not contest the request for expungement. Mr. Z and his counsel also participated in the expungement hearing.

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OTHER FEES: Respondent has been invoiced the \$150.00 Member Surcharge.

FINRA Office of Dispute Resolution assessed a filing fee\* for each claim:  
Initial Claim Filing Fee = \$ 50.00

\*The filing fee is made up of a non-refundable and a refundable portion.

### **Hearing Session Fees and Assessments**

The Panel has assessed hearing session 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 a single arbitrator @ \$50.00/session = \$50.00  
Pre-hearing conference: July 24, 2017 1 session

One (1) hearing session on expungement request @ \$50.00/session = \$50.00  
Hearing Date: October 24, 2017 1 session

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Total Hearing Session Fees = \$100.00

The Panel has assessed \$100.00 of the hearing session fees to Claimant.

**ARBITRATOR**

Terry M Lloyd

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Sole Public Arbitrator

I, the undersigned Arbitrator, do hereby affirm that I am the individual described herein and who executed this instrument which is my award.

Arbitrator's Signature



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Terry M Lloyd  
Sole Public Arbitrator

January 13, 2018  

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Signature Date

January 17, 2018  
Date of Service (For FINRA-ODR office use only)