

**Award
FINRA Dispute Resolution**

In the Matter of the Arbitration Between:

Claimant
Morgan Stanley & Co., LLC

Case Number: 10-05731

vs.

Respondent
Barney Greengrass

Hearing Site: New York, New York

Nature of the Dispute: Member vs. Associated Person

REPRESENTATION OF PARTIES

For Claimant Morgan Stanley & Co., LLC: Alan S. Brodherson, Esq., Law Offices of Alan S. Brodherson, New York, New York.

For Respondent Barney Greengrass: Ethan A. Brecher, Esq., Law Offices of Ethan A. Brecher, LLC, New York, New York.

CASE INFORMATION

Statement of Claim filed on or about: December 20, 2010.
Answer to Counterclaim filed on or about: April 28, 2011.
Claimant signed the Submission Agreement: December 15, 2010.

Statement of Answer and Counterclaim filed by Respondent on or about: April 8, 2011.
Barney Greengrass signed the Submission Agreement: April 8, 2011.

CASE SUMMARY

Claimant asserted the following causes of action: breach of promissory note agreements.

Unless specifically admitted in his Answer, Respondent denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

In his Counterclaim, Respondent asserted the following causes of action: fraud, negligent misrepresentation, promissory estoppel, and breach of contract.

Unless specifically admitted in its Answer, Claimant denied the allegations made in the Counterclaim and asserted various affirmative defenses.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested compensatory damages in the amount of \$842,439.40 plus pre-award interest at the rate of 4% per annum from January 7, 2008 on the first note, compensatory damages in the amount of \$98,110.88 plus pre-award interest at the rate of 4.75% per annum from March 2008 on the second note, post-award interest at the legal rate, costs, attorneys' fees, and such other and further relief as the Panel deems appropriate.

At the close of the hearing, Claimant requested compensatory damages in the amount of \$1,141,548.10.

Respondent requested that the Statement of Claim be denied in its entirety.

In his Counterclaim, Respondent requested compensatory damages exceeding \$2,000,000.00.

At the close of the hearing, Respondent requested compensatory damages in the amount of \$2,143,803.17.

Claimant requested that the Counterclaim be denied in its entirety.

OTHER ISSUES CONSIDERED AND DECIDED

The Arbitrators acknowledge that they have each read the pleadings and other materials filed by the parties.

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. Claimant's claims are denied in their entirety.
2. Respondent's counterclaims are denied in their entirety.
3. Any and all relief not specifically addressed herein is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

FINRA Dispute Resolution assessed a filing fee* for each claim:

Initial Claim Filing Fee	=\$ 2,450.00
Counterclaim Filing Fee	=\$ 1,800.00

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

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. Accordingly, as a party, Morgan Stanley & Co., LLC, is assessed the following:

Member Surcharge	=\$ 2,250.00
Pre-Hearing Processing Fee	=\$ 750.00
Hearing Processing Fee	=\$ 5,000.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

May 8, 9, 10, 11, 14, 15, & 16, 2012 adjournment by Respondent = \$ 1,200.00

November 19, 20, 2012, December 10, 11, & 12, 2012 adjournment by Claimant WAIVED

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 arbitrators, including a pre-hearing conference with the arbitrators, that lasts four (4) hours or less. Fees associated with these proceedings are:

Four (4) Pre-hearing sessions with the Panel @ \$1,200.00	=\$ 4,800.00
Pre-hearing conferences:	
July 6, 2011	1 session
May 7, 2012	1 session
June 7, 2012	1 session
November 20, 2012	1 session

Eight (8) Hearing sessions @ \$1,200.00			= \$ 9,600.00
Hearing Dates:	February 27, 2013	2 sessions	
	February 28, 2013	2 sessions	
	March 6, 2013	2 sessions	
	March 7, 2013	2 sessions	
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Total Hearing Session Fees			= \$14,400.00

1. The Panel has assessed \$7,200.00 of the hearing session fees to Claimant.
2. The Panel has assessed \$7,200.00 of the hearing session fees to Respondent.


All balances are payable to FINRA Dispute Resolution and are due upon receipt.

ARBITRATION PANEL

Jack Friedman	-	Public Arbitrator, Presiding Chairperson
Abigail J. Pessen	-	Public Arbitrator
John Nino Brenkovich	-	Non-Public Arbitrator

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.

Concurring Arbitrators' Signatures



Jack Friedman
Public Arbitrator, Presiding Chairperson

March 15, 2013
Signature Date

Abigail J. Pessen
Public Arbitrator

Signature Date

John Nino Brenkovich
Non-Public Arbitrator

Signature Date

March 15, 2013
Date of Service (For FINRA Dispute Resolution office use only)

ARBITRATION PANEL

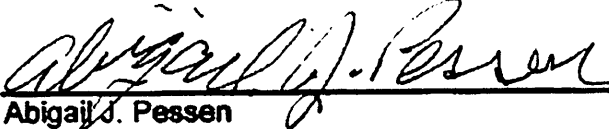
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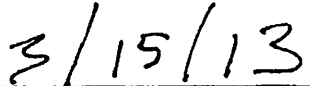
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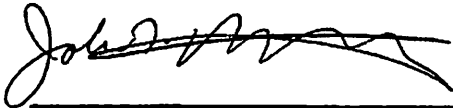
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