

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Nermin Khalil

Case Number: 20-02293

vs.

Respondent
Morgan Stanley

Hearing Site: Boston, Massachusetts

Awards are rendered by independent arbitrators who are chosen by the parties to issue final, binding decisions. FINRA makes available an arbitration forum—pursuant to rules approved by the SEC—but has no part in deciding the award.

Nature of the Dispute: Associated Person vs. Member

REPRESENTATION OF PARTIES

For Claimant Nermin Khalil: John A. Mangones, Esq., Godbout Law PLLC, Boston, Massachusetts.

For Respondent Morgan Stanley: Travis R. Chapin, Esq., and Taylor N. Patton, Esq., Greenberg Traurig, P.A., West Palm Beach, Florida.

CASE INFORMATION

Statement of Claim filed on or about: July 20, 2020.
Nermin Khalil signed the Submission Agreement: July 20, 2020.

Statement of Answer filed by Respondent on or about: October 16, 2020
Morgan Stanley signed the Submission Agreement: October 16, 2020.

CASE SUMMARY

In the Statement of Claim, Claimant asserted the following causes of action: defamation; tortious interference with business relationships; and expungement of Form U5.

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

RELIEF REQUESTED

In the Statement of Claim, Claimant requested compensatory damages for lost earnings in an amount to be determined after hearing; compensatory damages for loss of reputation in an amount to be determined after hearing; expungement of the defamatory entry submitted by Respondent from Claimant's Form U5; amendment of the response to Question 7(F)(1); elimination of the termination disclosure and the termination explanation (Question 3).; costs and expenses, including forum fees, incurred in pursuing these claims; punitive damages in such amount as the Panel deems just and proper; and any other relief that the Panel deems just and proper.

In the Statement of Answer, Respondent requested that Claimant's claim be denied in its entirety.

OTHER ISSUES CONSIDERED AND DECIDED

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

The Award in this matter may be executed in counterpart copies.

AWARD

After considering the pleadings, the testimony and evidence presented at the hearing, and any post-hearing submissions, 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. Claimant's request for expungement of her registration records maintained by the CRD is denied.
3. Any and all claims for relief not specifically addressed herein, including any requests for punitive damages, are denied.

FEES

Pursuant to the Code of Arbitration Procedure ("Code"), the following fees are assessed:

Filing Fees

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

Initial Claim Filing Fee	= \$ 1,575.00
--------------------------	---------------

**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 event giving rise to the dispute. Accordingly, as a party, Respondent Morgan Stanley is assessed the following:

Member Surcharge	= \$	1,900.00
Member Process Fee	= \$	3,750.00

Discovery-Related Motion Fees

Fees apply for each decision rendered on a discovery-related motion.

Three (3) decisions on discovery-related motions on the papers with one (1) Arbitrator @ \$200.00/decision	= \$	600.00
--	------	--------

Claimant submitted one (1) discovery-related motion
Respondent submitted two (2) discovery-related motions

Total Discovery-Related Motion Fees	= \$	600.00
-------------------------------------	------	--------

The Panel has assessed \$200.00 of the discovery-related motion fees to Claimant.

The Panel has assessed \$400.00 of the discovery-related motion fees to Respondent.

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

One (1) pre-hearing session with the Panel @ \$1,125.00/session	= \$	1,125.00
Pre-Hearing Conference: November 17, 2020	1 session	

Five (5) hearing sessions @ \$1,125.00/session	= \$	5,625.00
Hearings:		
December 14, 2021	2 sessions	
December 15, 2021	2 sessions	
December 16, 2021	1 session	

Total Hearing Session Fees	= \$	6,750.00
----------------------------	------	----------

The Panel has assessed \$3,375.00 of the hearing session fees to Claimant.

The Panel has assessed \$3,375.00 of the hearing session fees to Respondent.

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

ARBITRATION PANEL

Gerard S. Marsan	-	Public Arbitrator, Presiding Chairperson
William A. Barrett	-	Public Arbitrator
George Weston Mann, Jr.	-	Non-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.

Concurring Arbitrators' Signatures

Gerard S. Marsan

Gerard S. Marsan
Public Arbitrator, Presiding Chairperson

01/06/2022

Signature Date

William A. Barrett

William A. Barrett
Public Arbitrator

01/07/2022

Signature Date

George Weston Mann, Jr.

George Weston Mann, Jr.
Non-Public Arbitrator

01/07/2022

Signature Date

Awards are rendered by independent arbitrators who are chosen by the parties to issue final, binding decisions. FINRA makes available an arbitration forum—pursuant to rules approved by the SEC—but has no part in deciding the award.

January 10, 2022

Date of Service (For FINRA Dispute Resolution Services use only)