

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Barry Scott Price

Case Number: 20-00495

vs.

Respondent
Morgan Stanley & Co., LLC

Hearing Site: New York, New York

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

The evidentiary hearing was conducted by videoconference.

REPRESENTATION OF PARTIES

For Claimant Barry Scott Price: Kim L. Michael, Esq., Wechsler & Cohen, LLP, New York, New York.

For Respondent Morgan Stanley & Co., LLC: Kenneth J. Turnbull, Esq., Morgan, Lewis & Bockius LLP, New York, New York.

CASE INFORMATION

Statement of Claim filed on or about: February 11, 2020.

Barry Scott Price signed the Submission Agreement: February 5, 2020.

Statement of Answer filed by Respondent on or about: May 8, 2020.

Morgan Stanley & Co., LLC signed the Submission Agreement: May 14, 2020.

CASE SUMMARY

In the Statement of Claim, Claimant asserted the following causes of action: breach of contract; violation of New York Labor Law; unjust enrichment; promissory estoppel; quantum meruit; breach of covenant of good faith and fair dealing; severance; and violation of ERISA.

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 an award declaring his retention awards fully vested by October 18, 2019 and ordering Respondent to pay/convert such awards as scheduled; compensatory damage in excess of \$4,150,000.00 plus interest; attorneys' fees; costs and disbursements; liquidated damages; severance payment and the cash equivalent of health care coverage; and such other relief as the Panel may deem just and proper.

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

At the conclusion of the hearing, Claimant requested: (i) 22,530 shares of Morgan Stanley common stock, \$2,455,897.22 in damages, 100% of the value of the shares on the date of the Panel's Award plus 9% interest through date of payment of any award issued, or in the alternative, (ii) \$6,087,771.97 in damages plus 9% interest through date of payment of any award issued.

OTHER ISSUES CONSIDERED AND DECIDED

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

On August 27, 2021, Claimant filed a Motion for Sanctions. On September 3, 2021, Respondent filed a Response to Claimant's Motion for Sanctions. On September 9, 2021, Claimant filed a Reply in Support of the Motion for Sanctions. On September 10, 2021, Respondent filed a Sur-Reply to Claimant's Reply to the Motion for Sanctions. After due deliberation, on October 7, 2021, the Panel ordered Respondent to provide Claimant certain documents within five business days of the date of the order. All other motions before the panel were denied.

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. Respondent is liable for and shall pay to Claimant the sum of \$1,876,400.00 in compensatory damages plus interest at the rate of 9% per annum from October 18, 2019 through and including the date of issuance of the Award.
2. Respondent is liable for and shall pay to Claimant interest on the above-stated sum, including the accrued interest, at the rate of 9% per annum from the date of the Award until the award is paid in full.
3. Any and all claims for relief not specifically addressed herein, including any requests for specific performance and attorneys' fees, 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	=\$ 2,000.00
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**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, Respondent Morgan Stanley & Co., LLC is assessed the following:

Member Surcharge	=\$ 3,025.00
Member Process Fee	=\$ 6,175.00

Discovery-Related Motion Fees

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

One (1) decision on a discovery-related motion on the papers with one (1) Arbitrator @ \$200.00/decision	=\$ 200.00
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Claimant submitted one (1) discovery-related motion

Total Discovery-Related Motion Fees	=\$ 200.00
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The Panel has assessed the total 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 Arbitrators, including a pre-hearing conference with the Arbitrators, which lasts four (4) hours or less. Fees associated with these proceedings are:

Two (2) pre-hearing sessions with a single Arbitrator @ \$450.00/session	=\$ 900.00
Pre-Hearing Conferences: September 9, 2020	1 session
October 8, 2020	1 session

One (1) pre-hearing session with the Panel @ \$1,400.00/session	=\$ 1,400.00
Pre-Hearing Conference: June 29, 2020	1 session

Ten (10) hearing sessions @ \$1,400.00/session	=\$ 14,000.00
Hearings:	
November 8, 2021	2 sessions
November 9, 2021	2 sessions
November 10, 2021	2 sessions
November 11, 2021	2 sessions
November 12, 2021	2 sessions

Total Hearing Session Fees	= \$ 16,300.00
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The Panel has assessed \$4,650.00 of the hearing session fees to Claimant.

The Panel has assessed \$11,650.00 of the hearing session fees to Respondent.

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

ARBITRATION PANEL

Clive I. Morrick	-	Public Arbitrator, Presiding Chairperson
Robert N. Fass	-	Public Arbitrator
Lisa Lograno	-	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

Clive I. Morrick

Clive I. Morrick
Public Arbitrator, Presiding Chairperson

11/22/2021

Signature Date

Robert N. Fass

Robert N. Fass
Public Arbitrator

11/22/2021

Signature Date

Lisa Lograno

Lisa Lograno
Non-Public Arbitrator

11/21/2021

Signature Date

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November 22, 2021

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