

**Stipulated Award
NASD Dispute Resolution**

In the Matter of the Arbitration Between:

Barry Fischer, Barry Fischer c/f Bennett Fischer, Claimant v. Prudential Securities Incorporated and Nace Benun, Respondents.

Case Number: 00-05368

Hearing Site: Los Angeles, California

REPRESENTATION OF PARTIES

For Claimant:

Barry Fischer
Los Angeles, CA

For Respondents:

Renee Kwait Rettig
Prudential Securities
Incorporated.
New York, NY

CASE INFORMATION

Statement of Claim filed: November 30, 2000.

Claimant's Uniform Submission Agreement signed: October 16, 2001.

Respondents Statement of Answer filed: November 5, 2001.

Respondent's Prudential Securities Incorporated ("PSI") Uniform Submission Agreement signed: November 5, 2001.

CASE SUMMARY

Claimant alleged that he was promised a refund of the transfer costs incurred in moving his accounts to Prudential. He alleged that Respondent Benun failed to place and order for Compaq stock causing him lost opportunity. He alleged that the recommendation of Centura Software stock for his son's custodial account was unsuitable. He alleged that Respondent Benun sold Legato stock in his son's account without authorization and then repurchased it in an attempt to "make up for it". General mishandling of his son's account was also alleged. In addition, he claimed that non-solicitation letters were sent out when the stocks had been solicited.

Respondents denied all the claims. They allege that all the trades were unsolicited that are marked as unsolicited, including the Centura and Legato trades. They allege there were no unauthorized trades. They generally denied all allegations of wrongdoing.

RELIEF REQUESTED

Claimant requested: Compensatory damages of \$54,000.00

Respondents requested: an Award dismissing all the claims in their entirety with prejudice.

OTHER ISSUES CONSIDERED AND DECIDED

All parties to the Arbitration have agreed that the Award in this matter may be executed in counterpart copies of that a handwritten, signed Award may be entered.

Respondent Nace Benun, did not file a Uniform Submission Agreement but acknowledges the jurisdiction of the NASD over this dispute.

Claimant agreed to dismiss all claims against Respondent Nace Benun prior to the entry of this Stipulated Award.

The parties have entered into a confidential settlement agreement pursuant to which the parties have stipulated to dismiss this proceeding and to jointly request that the references to this proceeding be expunged from the registration record of Nace Benun.

AWARD

After considering the Stipulation of the parties, the Panel decided in full and final resolution of the issues submitted for determination as follows:

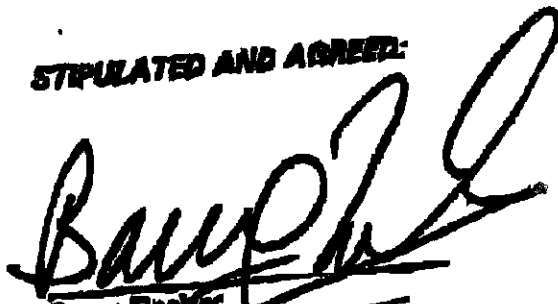
- 1) All claims are hereby dismissed.
- 2) Each Party shall bear it's own costs, including forum fees and attorney's fees.
- 3) All other relief not expressly granted is denied.
- 4) The Arbitrator recommends the expungement of all reference to the above captioned arbitration from Respondent Nace Benun's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notice to Members 99-09, Respondent Nace Benun must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

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FEES


The parties will bear any fees that have been or will be assessed against them in this proceeding by NASD Dispute Resolution.

STIPULATED AND AGREED:


Barry Fischer
1825 Century Park East
Suite 500
Los Angeles, CA 90067
(310) 768-0800


Renee Kwiat Rattig
Prudential Securities Incorporated
189 Water Street, 30th Floor
New York, NY 10292
(212) 214-8570

Arbitration Panel:


Howard S. Brown
Public Arbitrator, Chairperson

8-23-02
Signature Date

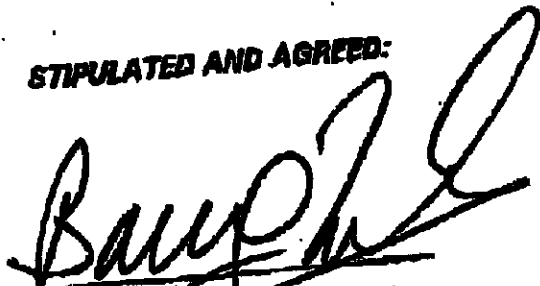

Michael D. Harrison
Public Arbitrator


Signature Date

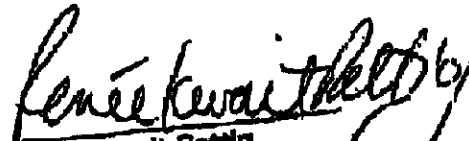

Marvin B. Karelitz
Industry Arbitrator


Signature Date

STIPULATED AND AGREED:




Barry Fletcher
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Suite 800
Los Angeles, CA 90067
(310) 788-0900



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Arbitration Panel:

Howard B. Brown
Public Arbitrator, Chairperson



Michael D. Harrison
Public Arbitrator

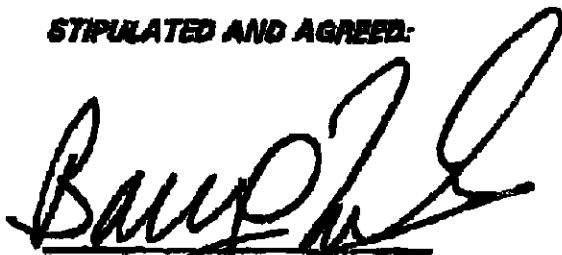
Mervin B. Karelitz
Industry Arbitrator

Signature Date

8/23/02
Signature Date

Signature Date

STIPULATED AND AGREED:



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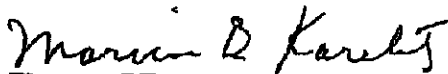
Arbitration Panel:

Howard B. Brown
Public Arbitrator, Chairperson

Signature Date

Michael D. Harrison
Public Arbitrator

Signature Date



Marvin B. Karelitz
Industry Arbitrator

8-23-02

Signature Date