

Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimants

Zahi Nijmeh and Patricia Nijmeh

Case Number: 01-03182

Name of the Respondents

Prudential Securities, Inc.

William Dexter Jenkins

David Lewis Capin

Hearing Site: Philadelphia, PA

REPRESENTATION OF PARTIES

Claimants, Zahi Nijmeh and Patricia Nijmeh, hereinafter collectively referred to as "Claimants", were represented by Nicholas J. Guiliano, Esq., Attorney at Law, Philadelphia, PA.

Respondents, Prudential Securities, Inc. ("Prudential") and William Dexter Jenkins ("Jenkins"), hereinafter collectively referred to as "Respondents", were represented by Jordan D. Becker, Esq., in-house counsel for Prudential, New York, New York.

CASE INFORMATION

Statement of Claim filed on or about June 14, 2001.

Claimants signed the Uniform Submission Agreement on June 7, 2001.

Statement of Answer filed by Respondents on or about October 26, 2001.

Respondents did not file Uniform Submission Agreements with NASD Dispute Resolution.

CASE SUMMARY

Claimants asserted the following causes of action: misrepresentations and omissions; excessive activity; violations of federal securities laws; violation of Pennsylvania Unfair Trade Practices and Consumer Protection Laws; breach of fiduciary duty; failure to supervise; and, fraud.

Unless specifically admitted in their Answer, Respondents denied the allegations made in the Statement of Claim.

RELIEF REQUESTED

Claimants requested:

Compensatory Damages

\$186,000.00

NASD Dispute Resolution
Arbitration No. 01-03182
Award Page 2

Punitive Damages
Interest
Attorneys' Fees
Other Costs

amount unspecified
amount unspecified
amount unspecified
amount unspecified

In their Statement of Answer Respondents requested that the claim be dismissed in its entirety with all costs to be assessed against Claimants, and that all references to this matter be expunged from the NASD Central Registration Depository ("CRD") record of William Dexter Jenkins.

OTHER ISSUES CONSIDERED AND DECIDED

By letter dated August 1, 2001, Claimant dismissed all claims against David Capin, without prejudice.

Respondents did not file with NASD Dispute Resolution properly executed submissions to arbitration, but are required to submit to arbitration pursuant to the Code, and, having answered the claim, are bound by the determination of the Panel.

The parties agree that the Stipulated Award in this matter may be executed in counterpart copies.

AWARD

Prior to the hearing the parties fully and finally settled all claims by and between them. Therefore the parties submit this Stipulated Award to the Panel for its consideration and request that it be entered. Now, in lieu of a hearing and upon motion of both parties for entry of a Stipulated Award, the Panel grants the motion and enters this award granting the following relief:

1. That Claimants have dismissed all claims with prejudice against Respondents;
2. The Panel recommends the expungement of all reference to the above-captioned arbitration from Respondent Jenkins' registration record maintained by the CRD with the understanding that, pursuant to NASD Notices to Members 99-09 and 99-54, Respondent Jenkins must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.
3. Each party shall bear its own costs and expenses, including attorney's fees, except as Fees are specifically addressed below; and,
4. Any and all relief not specifically addressed herein, including punitive damages, is denied.

NASD Dispute Resolution

Arbitration No. 01-03182

Award Page 3

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee = \$ 300.00

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. Accordingly, Prudential Securities, Inc. is a party.

Member surcharge = \$1,500.00

Pre-hearing process fee = \$ 600.00

Hearing process fee = \$2,500.00

Forum Fees and Assessments

The Panel has assessed forum 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:

Two (2) Pre-hearing sessions with a single arbitrator @ \$450.00 = \$900.00

Pre-hearing conferences: February 27, 2003 1 session, fee waived = -\$450.00

March 27, 2003 1 session

One (1) Pre-hearing session(s) with Panel @ \$1,125.00 = \$1,125.00

Pre-hearing conference(s): August 19, 2002 1 session

Total Forum Fees = \$1,575.00

1. The Panel has assessed \$787.50 of the forum fees to Claimants.

2. The Panel has assessed \$787.50 of the forum fees jointly and severally to Respondents Prudential and Jenkins.

Fee Summary

1. Claimants are assessed and shall pay:

Initial Filing Fee = \$ 300.00

Forum Fees = \$ 787.50

Total Fees = \$ 1,087.50

Less payments = \$ 1,425.00

Balance retained pursuant to Rule 10332(f) = \$ 337.50

2. Respondent Prudential is assessed and shall pay:

Member Fees = \$ 4,600.00

Aug-26-03 09:27am From NASD DISPUTE RESOLUTION

202-728-6952

T-601 P.005/006 F-023

NASD Dispute Resolution

Arbitration No. 01-03182

Award Page 4

Total Fees	= \$ 4,600.00
Less payments	= \$ 4,600.00
Balance Due NASD Dispute Resolution	= \$ 00.00

4. Respondents, Prudential and Jenkins are jointly and severally assessed and shall pay:

Forum Fees	= \$ 787.50
Total Fees	= \$ 00.00
Balance Due NASD Dispute Resolution	= \$ 787.50

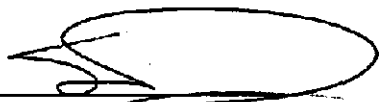
All balances are payable to NASD Dispute Resolution and are due upon receipt pursuant to Rule 10330(g) of the Code.

ARBITRATION PANEL

Scott L. Peters, Esq.
James J. McCann
Dale A. Pope

- Public, Presiding Chairperson
- Public Arbitrator, Panelist
- Non-Public Arbitrator, Panelist

Concurring Arbitrators' Signatures



Scott L. Peters, Esq.
Public Arbitrator, Presiding Chairperson

8/31/03
Signature Date

James J. McCann
Public Arbitrator, Panelist

Signature Date

Dale A. Pope
Non-Public Arbitrator, Panelist

Signature Date

9-12-03
Date of Service (For NASD Dispute Resolution office use only)

Concurring Arbitrators' Signatures

Scott L. Peters, Esq.
Public Arbitrator, Presiding Chairperson

✓

Signature Date

James J. McCann
James J. McCann
Public Arbitrator, Panelist

8/28/03

Signature Date

Dale A. Pope
Non-Public Arbitrator, Panelist

Signature Date

9-12-03

Date of Service (For NASD Dispute Resolution office use only)

AUG-26-03 09:28am From-NASD DISPUTE RESOLUTION

202-728-6652

T-681 P.006/006 F-023

NASD Dispute Resolution

Arbitration No. 01-05182

Award Page 5

Concurring Arbitrators' Signatures

 Scott L. Peters, Esq.
 Public Arbitrator, Presiding Chairperson

 Signature Date

 James J. McCann
 Public Arbitrator, Panelist

 Signature Date


 Dale A. Pope
 Non-Public Arbitrator, Panelist

8-26-03
 Signature Date

9-12-03
 Date of Service (For NASD Dispute Resolution office use only)