

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 02-05190

David L. Markland, claimant vs. Pruco Securities Corporation and Ross W. Whitfield, respondents.

ATTORNEYS:

Claimant appeared pro se, Martinsville, IN.

For Respondents appeared Melanie D. Margolin, Esq., of the firm Locke Reynolds, LLP, Indianapolis, IN.

DATE FILED: September 4, 2002

CASE SUMMARY: Claimant alleged that respondents breached their fiduciary duty by failing to execute claimant's request to transfer funds to the Emerging Growth Fund. Claimant maintained that due to respondents' actions, the account suffered losses.

Claim Data

Claim: \$1,217.17
Punitive: \$2,434.34
Interest: \$127.80
Attorney Fees: Unspecified
Filing Fees: \$175.00
Other: Unspecified

Award Data

Award: \$100.00
Punitive: \$.00
Interest: \$.00
Attorney Fees: \$.00
Filing Fees: \$175.00
Other: \$.00

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) Respondents are jointly and severally liable and shall pay to the claimant \$100.00. 2) All requests for interest are denied. 3) All requests for attorney fees are denied. 4) All requests for punitive damages are denied. 5) All other relief requests are denied. 6) The \$175.00 filing fee previously deposited with NASD Dispute Resolution by the claimant, shall be retained by NASD Dispute Resolution. 7) Respondents are jointly and severally liable and shall pay claimant \$175.00 as reimbursement of the filing fee.

OTHER FEES: Pursuant to Rule 10333 of the Code, respondent Pruco Securities Corporation has paid to NASD Dispute Resolution the \$200.00 Member Surcharge previously invoiced.

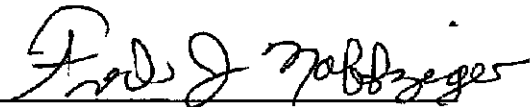
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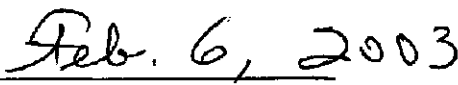
Fred J. Naffziger, Esq.

Sole Public Arbitrator

AFFIRMATION

I, Fred J. Naffziger, Esq., do hereby affirm, upon my oath as arbitrator that I am the individual described herein who executed this instrument, which is my oath and award.


Fred J. Naffziger, Esq.


Signature Date

February 14, 2003
Date of Service (For NASD-DR office use only)