

Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Names of the Claimants

Ronald Tomlinson
Christine Tomlinson

Case Number: 03-02425

Names of the Respondents

Daniel Dimick
David Oberman
Prudential Securities, Inc.

Hearing Site: Atlanta, Georgia

Nature of the Dispute: Customer vs. Member and Associated Person.

REPRESENTATION OF PARTIES

For Ronald Tomlinson and Christine Tomlinson, hereinafter collectively referred to as "Claimants": Joe R. Whatley, Jr., Esq., Whatley Drake, Birmingham, Alabama.

For Daniel Dimick ("Dimick"), David Oberman ("Oberman") and Prudential Securities, Inc. ("Prudential"), hereinafter collectively referred to as "Respondents": Mildred M. McLaney, Of Counsel, Prudential, New York, New York.

CASE INFORMATION

Statement of Claim filed on or about: March 3, 2003.

Claimants signed the Uniform Submission Agreement: February 18, 2003.

Respondents did not file Statements of Answer or executed Uniform Submission Agreements

CASE SUMMARY

Claimants asserted that the variable annuities that were sold to them were unsuitable, based on the fact that Claimants already had a tax deferred plan in their IRA's and conveyed that they wanted a conservative investment. The allegations related to Claimants' investments in AST JanCap Growth, AST PIMCO Total Return Bond, AST PBHG Small-Cap Growth, AST American Century Income and Growth, AST Janus Overseas Growth and AST Founders Passport.

RELIEF REQUESTED

Claimants requested compensatory damages in the amount of \$115,000.00, punitive damages of \$500,000.00 and other remedies.

OTHER ISSUES CONSIDERED AND DECIDED

Respondents did not file with NASD Dispute Resolution properly executed submissions to arbitration but are required to submit to arbitration pursuant to the NASD Code of Arbitration Procedure (the "Code") and are bound by the determination of the Arbitrator on all issues

submitted.

On or about June 6, 2003, Claimants informed NASD Dispute Resolution that by agreement, the parties dismissed Respondents Dimick and Oberman, without prejudice.

On or about October 30, 2003, the parties informed NASD Dispute Resolution that they had entered into a confidential settlement agreement pursuant to which the parties stipulated to dismiss this proceeding and to jointly request that the references to this proceeding be expunged from the registration records of Respondents Dimick and Oberman.

The parties have agreed that the Stipulated Award in this matter may be executed by a single arbitrator.

AWARD

After considering the pleadings, and the proposed Stipulated Award, the undersigned arbitrator (the "Arbitrator") has decided in full and final resolution of the issues submitted for determination as follows:

All claims are hereby dismissed.

Each party shall bear its own costs, including forum fees and attorneys' fees.

All other relief not expressly granted is denied.

The Panel recommends the expungement of all references to the above captioned arbitration from Respondents Dimick and Oberman's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondents Dimick and Oberman must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

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 = \$375.00

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. In this matter, the member firm is a party.

Member surcharge = \$2,250.00

Pre-hearing process fee = \$750.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

No requests for adjournments were filed in this matter.

Injunctive Relief Fees

Injunctive relief fees are assessed to each member or associated person who files for a temporary injunction in court. Parties in these cases are also assessed arbitrator travel expenses and costs when an arbitrator is required to travel outside his or her hearing location and additional arbitrator honoraria for the hearing for permanent injunction. These fees, except the injunctive relief surcharge, are assessed equally against each party unless otherwise directed by the Panel.

No injunctive relief fees were incurred in this matter.

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:

No hearings were conducted in this matter and, thus, no forum fees assessed.

Administrative Costs

Administrative costs are expenses incurred due to a request by a party for special services beyond the normal administrative services. These include, but are not limited to, additional copies of arbitrator awards, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

No administrative costs were incurred in this matter.

FEE SUMMARY

Claimants are jointly and severally liable for:

Initial Filing Fee	= \$375.00
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Total Fees	= \$375.00
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Less payments	= \$375.00
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Balance Due NASD Dispute Resolution	= \$0.00
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Respondent Prudential is solely liable for:

Member Fees	= \$3,000.00
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Total Fees	= \$3,000.00
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Less payments	= \$3,000.00
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Balance Due NASD Dispute Resolution = \$0.00

ARBITRATOR

John W. Davis, Esq.

- Public Arbitrator, Presiding Chair

Arbitrator's Signature

_____/S/_____
John W. Davis, Esq.
Public Arbitrator, Presiding Chair

Signature Date

December 5, 2003
Date of Service (For NASD Dispute Resolution office use only)

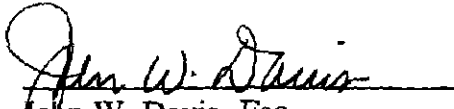
Balance Due NASD Dispute Resolution = \$0.00

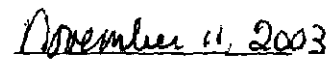
ARBITRATOR

John W. Davis, Esq.

Public Arbitrator, Presiding Chair

Arbitrator's Signature


John W. Davis, Esq.
Public Arbitrator, Presiding Chair


Signature Date

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