

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

George Michalowski and Wanda Lewicka (Claimants) v. Prudential Equity Group, LLC f/k/a Prudential Securities, Inc. (Respondent)

Case Number: 04-03640

Hearing Site: Boston, Massachusetts

Nature of the Dispute: Customers vs. Member.

REPRESENTATION OF PARTIES

Claimants George Michalowski ("Michalowski") and Wanda Lewicka ("Lewicka") hereinafter collectively referred to as "Claimants" appeared *pro se*.

Respondent Prudential Equity Group, LLC f/k/a Prudential Securities, Inc. ("Prudential") hereinafter referred to as "Respondent": Carole A. McDonald, Esq., Prudential Equity Group, LLC, New York, NY.

CASE INFORMATION

Statement of Claim filed on or about: May 19, 2004.

Claimants signed the Uniform Submission Agreement: May 3, 2004.

Statement of Answer filed by Respondent on or about: June 15, 2004.

Respondent signed the Uniform Submission Agreement: June 15, 2004.

CASE SUMMARY

Claimants asserted the following causes of action: negligence; breach of contract; breach of fiduciary duty; failure to supervise; misrepresentations; omission; and suitability. The causes of action relate to common stock and mutual funds.

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

Claimants requested compensatory damages in the amount of \$17,000.00; punitive damages in the amount of \$8,000.00; and costs in the amount of \$575.00.

Respondent requested that the Panel deny Claimants' request for an award of damages; fees and expenses; and that the Panel assess all costs associated with this claim against Claimants.

AWARD

After considering the pleadings, and the testimony and evidence presented at the hearing, the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondent is liable for and shall pay to Claimants compensatory damages in the amount of \$14,475.00.
2. Respondent is liable for and shall pay to Claimants the sum of \$125.00, to reimburse Claimants for the filing fee previously paid to NASD Dispute Resolution.
3. Any and all relief not specifically addressed herein, including punitive damages, is denied.

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 = \$125.00

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 events giving rise to the dispute. Accordingly, Prudential Equity Group, LLC is a party.

Member surcharge = \$425.00

Forum Fees and Assessments

The Arbitrator has assessed forum fees for each session conducted. A session is any meeting between the parties and the arbitrator, including a pre-hearing conference with the arbitrator, that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with the sole arbitrator @ \$450.00 = \$ 450.00

Pre-hearing conference: September 28, 2004 1 session

Two (2) Hearing sessions @ \$450.00 = \$ 900.00

Hearing Date: November 9, 2004 2 sessions

Total Forum Fees = \$1,350.00

1. The Arbitrator has assessed \$1,350.00 of the forum fees against Respondent.

Fee Summary

1. Claimants are jointly and severally liable for:

<u>Initial Filing Fee</u>	= \$ 125.00
Total Fees	= \$ 125.00
<u>Less payments</u>	= \$ 575.00
Balance Due Claimants	= \$ 450.00

As stated in the "Award" section above, Respondent is liable for and shall reimburse Claimant for the \$125.00 filing fee.

2. Respondent is solely liable for:

Member Fees	= \$ 425.00
<u>Forum Fees</u>	= \$1,350.00
Total Fees	= \$1,775.00
<u>Less payments</u>	= \$ 425.00
Balance Due NASD Dispute Resolution	= \$1,350.00

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

ARBITRATOR

Robert Titus

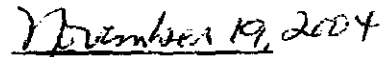
Sole Public Arbitrator

Arbitrator's Signature

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.



Robert Titus
Sole Public Arbitrator


Signature Date

November 22, 2004
Date of Service (For NASD Dispute Resolution use only)