

**NASD DISPUTE RESOLUTION AWARD**  
**NASD DISPUTE RESOLUTION**

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CASE: 04-04946

Lawrence Gemma, Claimant v. Prudential Equity Group, LLC and Russell Smith, Respondents

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**ATTORNEYS:**

Claimant Lawrence Gemma ("Claimant") appeared *pro se*, Noank, CT.

For Respondents Prudential Equity Group, LLC and Russell Smith (collectively "Respondents") appeared Carole A. McDonald, Esq., in-house counsel, Prudential Equity Group, LLC, New York, NY.

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**NATURE OF DISPUTE:** Customer v. Member and Associated Person.

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**DATE FILED:** July 12, 2004.

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**CASE SUMMARY:** Claimant alleged that Respondents acted in an unethical and unprofessional manner that caused a loss in Claimant's account. Claimant further alleged Respondents were negligent, breached their fiduciary duty, omitted material facts, and Respondent Prudential Equity Group failed to supervise its broker. Claimant's claim involved common stock.

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**Claim Data**

Claim: \$15,000.00  
Filing Fees: \$425.00  
Other: Unspecified

**Award Data**

Award: \$.00  
Filing Fees: \$212.50  
Other: \$.00

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**AWARD:** The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) The claims of Claimant are dismissed in their entirety. 2) All other relief requests are denied. 3) NASD Dispute Resolution shall retain the \$425.00 filing fee that the Claimant deposited previously. 4) Respondents are jointly and severally liable and shall pay Claimant \$212.50 as reimbursement of one-half of the filing fee.

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**OTHER FEES:** Pursuant to Rule 10333 of the Code, Respondent Prudential Equity Group, LLC has paid to NASD Dispute Resolution the \$425.00 Member Surcharge previously invoiced.

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Award 04-04946

Joseph J. Nicholson, Jr., Esq.

Sole Public Arbitrator

AFFIRMATION

I, Joseph J. Nicholson, Jr., 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.

  
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Joseph J. Nicholson, Jr., Esq.

  
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Signature Date

November 24, 2004  
Date of Service (For NASD-DR office use only)