
Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant
Regar Mickler

Case Number: 04-06613

Name of the Respondent
Prudential Financial Incorporated

Hearing Site: Tampa, Florida

Nature of the Dispute: Associated Person vs. Member.

REPRESENTATION OF PARTIES

Regar Mickler, hereinafter referred to as "Claimant", appeared pro se.

For Prudential Financial Incorporated, hereinafter referred to as "Respondent": Joseph C. Coates, Esq.,
Greenberg Traurig, P.A., West Palm Beach, Florida.

CASE INFORMATION

Statement of Claim filed on or about: September 13, 2004.

Claimant signed the Uniform Submission Agreement: September 11, 2004.

Statement of Answer and Motion to Dismiss filed by Respondent on or about: March 7, 2005.

Respondent did not file a signed Uniform Submission Agreement.

Response to Motion to Dismiss and Motion for Sanctions filed by Claimant on or about: April 5, 2005.

Reply to Claimant's Response to Motion to Dismiss and Response to Motion for Sanctions filed by Respondent on or about: April 15, 2005.

Reply to Respondent's Response to Claimant's Response to Motion to Dismiss filed by Claimant on or about: May 4, 2005.

Response to Claimant's Response to Respondent's Motion to Dismiss filed by Respondent on or about: May 13, 2005.

CASE SUMMARY

Claimant asserted the following causes of action: 1) breach of contract; 2) breach of contract with NASD and NYSE as third party beneficiary under Florida common law; 3) fraud under Florida common law; 4) unjust enrichment under Florida common law; and, 5) tortious interference with advantageous business relationships. The causes of action relate to Claimant's employment agreement with Respondent.

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

RELIEF REQUESTED

Claimant requested compensatory damages in an amount exceeding \$2,500,000.00, costs and punitive damages.

Respondent requested that the Statement of Claim be dismissed in its entirety.

OTHER ISSUES CONSIDERED AND DECIDED

On or about May 4, 2005, the Panel issued an Order stating that Claimant was to provide the Panel with any new information not presented to the previous Arbitration Panel or the U.S. District Court for Case NO. 8:02-CV-620-T-24MSS, with Orders of September 23, 2002 and of July 31, 2003 issued by the U.S. District Court, by May 9, 2005. Respondent was to provide their response to this information by May 13, 2005.

On May 17, 2005, after all parties submitted their documents, a telephonic hearing was held with the parties and the Panel to hear oral argument on Respondent's Motion to Dismiss and Claimant's Motion for Sanctions. Thereafter, on May 23, 2005, the Panel issued an Order that denied Claimant's Motion for Sanctions and granted Respondent's Motion to Dismiss based on *res judicata* and *collateral estoppel* plus, uncertainty of future business and commissions.

The parties have agreed that the Award in this matter may be entered in counterpart copies or that a signed handwritten Award may be entered.

AWARD

After considering the pleadings and hearing the oral argument presented at the telephonic hearing, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

Claimant's claims are dismissed in their entirety, with prejudice.

Any and all claims for relief not specifically addressed herein, including Claimant's request for punitive damages, are denied.

FEES

Pursuant to the NASD Code of Arbitration Procedure (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 = \$ 500.00

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, Respondent is a party to this dispute and was a member of NASD at the time the following fees were assessed:

Member surcharge	= \$2,800.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$5,000.00

Adjournment Fees

No requests for adjournments were filed in this matter.

Three-Day Cancellation Fees

Fees apply when a hearing on the merits is postponed or settled within three business days before the start of a scheduled hearing session:

No three-day cancellation fees were assessed in this matter.

Injunctive Relief Fees

No injunctive relief fees were incurred during this proceeding.

Forum Fees and Assessments

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

Two (2) Pre-hearing sessions with the Panel @ \$1,200.00	= \$2,400.00
Pre-hearing conferences: March 4, 2005 1 session	
May 17, 2005 1 session	
Total Forum Fees	= \$2,400.00

The Panel has assessed \$1,200.00 of the forum fees to Claimant.

The Panel has assessed \$1,200.00 of the forum fees to Respondent.

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 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 during this proceeding.

Fee Summary

Claimant is solely liable for:

Initial Filing Fee	= \$ 500.00
Forum Fees	= \$ 1,200.00
Total Fees	= \$ 1,700.00

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<u>Less payments</u>	= \$ 1,700.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent is solely liable for:

Member Fees	= \$ 8,550.00
<u>Forum Fees</u>	= \$ 1,200.00
Total Fees	= \$ 9,750.00
<u>Less payments</u>	= \$ 3,550.00
Balance Due NASD Dispute Resolution	= \$ 6,200.00

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

ARBITRATION PANEL

Stephen Earl Clark	-	Public Arbitrator, Presiding Chairperson
Donald M. MacDonald	-	Public Arbitrator
David Walby	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

/s/
Stephen Earl Clark
Public Arbitrator, Presiding Chairperson

05/24/05
Signature Date

/s/
Donald M. MacDonald
Public Arbitrator

05/25/05
Signature Date

/s/
David Walby
Non-Public Arbitrator

06/07/05
Signature Date

05/25/05
Date of Service (For NASD Dispute Resolution office use only)

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Public Arbitrator

05/25/2005

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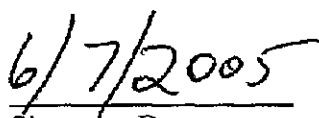
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