

Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Terry G. Trilling and Kathe Trilling (Claimants) v. James Yglesias Jr., James E. Nielsen, and Prudential Securities, Incorporated n/k/a Prudential Equity Group, LLC (Respondents)

Case Number: 04-06916

Hearing Site: New York City, New York

Nature of the Dispute: Customers vs. Associated Persons and Member

REPRESENTATION OF PARTIES

Claimants Terry G. Trilling ("T. Trilling") and Kathe Trilling ("K. Trilling") hereinafter collectively referred to as "Claimants": Scott M. Zucker, Esq., Jericho, NY.

Respondents James Yglesias Jr. ("Yglesias"), James E. Nielsen ("Nielsen"), and Prudential Securities, Incorporated n/k/a Prudential Equity Group, LLC ("Prudential") hereinafter collectively referred to as "Respondents": Jonathan Braatz, Esq., Proskauer Rose, LLP, New York, NY.

CASE INFORMATION

Statement of Claim filed on or about: September 29, 2004.

Claimant T. Trilling signed the Uniform Submission Agreement: September 26, 2003.

Claimant K. Trilling signed the Uniform Submission Agreement: September 26, 2003.

Joint Statement of Answer filed by Respondents on or about: January 18, 2005.

Respondent Yglesias signed the Uniform Submission Agreement: January 13, 2005.

Respondent Nielsen signed the Uniform Submission Agreement: January 12, 2005.

Respondent Prudential signed the Uniform Submission Agreement: January 13, 2005.

CASE SUMMARY

Claimants asserted the following causes of action: failure to supervise, breach of fiduciary duty, negligence, common law fraud, unauthorized trading, churning, suitability, loss of opportunity, conversion, compensatory and securities fraud, unjust enrichment, and breach of contract. The causes of action relate to various securities.

Unless specifically admitted in their Answer, Respondent Yglesias, Nielsen, and Prudential denied the allegations of wrongdoing set forth in the Statement of Claim and asserted the various affirmative defenses.

RELIEF REQUESTED

Claimants requested compensatory damages in the amount of \$500,000.00, interest from the award date until paid, opportunity damages, attorneys' fees, expert fees, filing fees, costs, and any other additional remedy deemed appropriate.

Respondents requested dismissal of the Statement of Claim in its entirety, costs and expenses of this arbitration, expungement of Yglesias and Nielsen's Form U-4, and such other relief as is just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

On or about November 10, 2005, Claimants dismissed their claims with prejudice against Respondents and submitted their Stipulated Award.

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

AWARD

The parties entered into an agreement to present to the Panel a Stipulated Award. Now, in lieu of a hearing and upon motion of both parties for an entry of an award, the written stipulation thereto, the Panel grants the motion and enters this award granting the following relief:

1. Claimants' claims are hereby dismissed in its entirety.
2. The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent James Yglesias' registration records maintained by the Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 04-16, Respondent James Yglesias must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

Unless specifically waived in writing by the NASD, parties seeking judicial confirmation of an arbitration award containing expungement relief must name NASD as an additional party and serve NASD with all appropriate documents.

Pursuant to Rule 2130 of the NASD Code of Arbitration Procedure, the arbitration panel has made the following affirmative findings of fact:

The claim, allegation, or information is factually impossible or clearly erroneous.

3. The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent James E. Nielsen's registration records maintained by the Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 04-16, Respondent James E. Nielsen must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

Unless specifically waived in writing by the NASD, parties seeking judicial confirmation of an arbitration award containing expungement relief must name NASD as an additional party and serve NASD with all appropriate documents.

Pursuant to Rule 2130 of the NASD Code of Arbitration Procedure, the arbitration panel has made the following affirmative findings of fact:

The claim, allegation, or information is factually impossible or clearly erroneous.

4. Any and all relief not specifically addressed herein 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	= \$ 300.00
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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 persons at the time of the events giving rise to the dispute. In this matter, Prudential Securities, Incorporated is a party.

Member Surcharge	= \$ 1,700.00
Pre-Hearing Process Fee	= \$ 750.00
Hearing Process Fee	= \$ 2,750.00

Adjournment Fees

The following adjournment fees are assessed:

June 8-9, 2005, adjournment requested by Claimants	= Waived
June 8-9, 2005, adjournment requested by Respondents	= Waived
October 10-11, 2005, adjournment requested by Claimants	= \$ 750.00
October 10-11, 2005, adjournment requested by Respondents	= \$ 750.00

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:

November 15-18, 2005 settlement by parties = \$300.00

Claimants' share is: = \$150.00

Respondents' share is: = \$150.00

Forum Fees and Assessments

The Panel assesses forum fees for each hearing session conducted. A hearing 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. Forum fees associated with these proceedings are:

(2) Pre-hearing conference sessions with a single arbitrator @ \$450.00/session = \$ 900.00

Pre-hearing conferences: May 3, 2005 1 session

October 12, 2005 1 session

(1) Pre-hearing conference session with the Panel @ \$1,125.00/session = \$ 1,125.00

Pre-hearing conference: March 22, 2005 1 session

Total Forum Fees = \$ 2,025.00

1. The Panel assessed \$405.00 of the forum fees to Claimant T. Trilling.
2. The Panel assessed \$405.00 of the forum fees to Claimant K. Trilling.
3. The Panel assessed \$405.00 of the forum fees to Respondent Prudential.
4. The Panel assessed \$405.00 of the forum fees to Respondent Yglesias.
5. The Panel assessed \$405.00 of the forum fees to Respondent Nielsen.

Fee Summary

1. Claimants are jointly and severally liable for:

Initial Filing Fee = \$ 300.00

Adjournment Fee = \$ 750.00

Forum Fees = \$ 315.00

Three-Day Cancellation Fee = \$ 150.00

Total Fees = \$ 1,515.00

Less payments = \$ 1,200.00

Balance Due NASD Dispute Resolution = \$ 315.00

2. Claimant T. Trilling is solely liable for:

Forum Fees = \$ 405.00

Total Fees	= \$ 405.00
<u>Less payments</u>	= \$ 112.50
Balance Due NASD Dispute Resolution	= \$ 292.50

3. Claimant K. Trilling is solely liable for:

<u>Forum Fees</u>	= \$ 405.00
Total Fees	= \$ 405.00
<u>Less payments</u>	= \$ 112.50
Balance Due NASD Dispute Resolution	= \$ 292.50

Pursuant to Rule 10332(f) of the code of Arbitration Procedure, NASD is retaining the total amount of the hearing session deposited by the Claimants because this office was notified by the parties that they settled within eight business days of the first scheduled hearing session.

4. Respondent Prudential is solely liable for:

Member Fees	= \$ 5,200.00
<u>Forum Fees</u>	= \$ 405.00
Total Fees	= \$ 5,605.00
<u>Less payments</u>	= \$ 5,200.00
Balance Due NASD Dispute Resolution	= \$ 405.00

5. Respondents are jointly and severally liable for:

Adjournment Fee	= \$ 750.00
<u>Three-Day Cancellation Fee</u>	= \$ 150.00
Total Fees	= \$ 900.00
<u>Less payments</u>	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 900.00

6. Respondent Ygelsias is solely liable for:

<u>Forum Fees</u>	= \$ 405.00
Total Fees	= \$ 405.00
<u>Less payments</u>	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 405.00

7. Respondent Nielsen is solely liable for:

<u>Forum Fees</u>	= \$ 405.00
Total Fees	= \$ 405.00
<u>Less payments</u>	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 405.00

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

ARBITRATION PANEL

Edwin S. Mruk	-	Public Arbitrator, Presiding Chair
Elliott Berman	-	Public Arbitrator
E. Peter Ryan	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

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.



Edwin S. Mruk
Public Arbitrator, Presiding Chair

4-12-06

Signature Date

E. Peter Ryan
Non-Public Arbitrator

Signature Date

Dissenting Arbitrator's Signature

Elliott Berman
Public Arbitrator

Signature Date

April 19, 2006

Date of Service (For NASD office use only)

ARBITRATION PANEL

Edwin S. Mruk
Elliot Berman
E. Peter Ryan

- Public Arbitrator, Presiding Chair
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Public Arbitrator, Presiding Chair

Signature Date

E. Peter Ryan
Non-Public Arbitrator

Signature Date

Dissenting Arbitrator's Signature



Elliott Berman
Public Arbitrator

3/31/06
Signature Date

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Public Arbitrator, Presiding Chair

Signature Date



E. Peter Ryan
Non-Public Arbitrator

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Dissenting Arbitrator's Signature

Elliott Berman
Public Arbitrator

Signature Date

April 19, 2006

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