

AWARD
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of Claimant

Prudential Equity Group, LLC

vs.

Case Number: 05-04823
Hearing Site: Dallas, Texas

Name of Respondent

John P. Murley

NATURE OF THE DISPUTE

Member Firm vs. Associated Person

REPRESENTATION OF PARTIES

Prudential Equity Group, LLC ("**Claimant**") was represented by John E. Jenkins, Esq. of the firm of Lubiner & Schmidt, located in Cranford, New Jersey.

John P. Murley of Weatherford, Texas ("**Respondent**") appeared pro se.

CASE INFORMATION

The Statement of Claim was filed on September 14, 2005. The Submission Agreement of Claimant was signed on May 12, 2005.

Respondent did not file a Statement of Answer or an executed Submission Agreement.

CASE SUMMARY

Claimant alleged that the Respondent failed to pay the sum due under a Promissory Note executed as part of Respondent's employment with Claimant. Pursuant to the terms of the Note, the sums became immediately due and payable upon the termination of Respondent's employment.

RELIEF REQUESTED

Claimant requested an award in the amount of:

Actual/Compensatory Damages
Interest
Attorneys' Fees

\$370,630.19
Unspecified
Unspecified

Other Costs
Other Monetary/Non-Monetary Relief, if any

Unspecified
Unspecified.

OTHER ISSUES CONSIDERED & DECIDED

On or about August 10, 2006, the parties filed an Agreed Motion to have the hearing conducted telephonically. On or about August 22, 2006, the Panel granted the request and the regular hearing was conducted telephonically.

Respondent did not file with the NASD Dispute Resolution a properly executed Uniform Submission Agreement but is required to submit to arbitration pursuant to the Code and, having answered the claim, appeared and testified at the hearing, is bound by the determination of the Panel on all issues submitted.

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

AWARD

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

- 1.) Respondent John P. Murley is liable for and shall pay to Claimant Prudential Equity Group, LLC, the sum of \$370,613.19 in compensatory damages;
- 2.) Respondent John P. Murley is liable for and shall pay to Claimant Prudential Equity Group, LLC, interest on the above-stated sum at the rate of 7% per annum from and including May 3, 2001 through and including August 6, 2006, totaling \$138,368.60;
- 3.) Respondent John P. Murley is liable for and shall pay to Claimant Prudential Equity Group, LLC, the sum of \$6,708.34 in attorneys' fees pursuant to the contract signed by John P. Murley;
- 4.) Other than Forum Fees which are specified below, the parties shall each bear their own costs and expenses incurred in this matter; and,
- 5.) Any relief not specifically enumerated is hereby denied with prejudice.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution will retain or collect the non-refundable filing fee(s) for each claim:

Initial Claim filing fee = \$ 1,000.00

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. In this matter, the member firm, Prudential Equity Group, LLC, is a party and the following member fees are assessed:

Member surcharge = \$ 1,700.00
Pre-hearing process fee = \$ 750.00
Hearing process fee = \$ 2,750.00

Forum Fees and Assessments

The Panel has assessed forum fees for each hearing session conducted or each decision rendered on a discovery-related motion on the papers. 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:

One (1) Pre-hearing session with Panel x \$1,125.00 = \$ 1,125.00
Pre-hearing conference: February 21, 2006 1 session

One (1) Hearing session x \$1,125.00 = \$ 1,125.00
Hearing Date: September 6, 2006 1 session

Total Forum Fees = \$ 2,250.00

The Arbitration Panel has assessed \$1,125.00 of the forum fees to the Claimant, Prudential Equity Group, LLC. The Arbitration Panel has assessed \$1,125.0 of the forum fees to the Respondent, John P. Murley.

FEE SUMMARY

Claimant, Prudential Equity Group, LLC, is liable for:

Initial Filing Fee	= \$ 1,000.00
Member Fees	= \$ 5,200.00
Forum Fees	= \$ 1,125.00
Total Fees	= \$ 7,325.00
Less payments	= \$ 7,325.00

Balance Due NASD Dispute Resolution = \$ 0.00

Respondent, John P. Murley, is liable for:

Forum Fees	= \$ 1,125.00
Total Fees	= \$ 1,125.00
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 1,125.00

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

ARBITRATION PANEL

William E. Barker, Jr. - Non-Public Arbitrator, Presiding Chair
Robert E. Treadaway - Non-Public Arbitrator
Jill M. Zacha - Non-Public Arbitrator

Concurring Arbitrators' Signatures:

William E. Barker, Jr.
Non-Public Arbitrator, Presiding Chair

Signature Date

Robert E. Treadaway
Non-Public Arbitrator

Signature Date

Jill M. Zacha
Non-Public Arbitrator

Signature Date

Date of Service (For NASD office use only)

Balance Due NASD Dispute Resolution = \$ 0.00

Respondent, John P. Murley, is liable for:

Forum Fees	= \$ 1,125.00
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Non-Public Arbitrator, Presiding Chair

9/13/2006
Signature Date

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Robert E. Treadaway
Non-Public Arbitrator

Signature Date

Jill M. Zacha
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Non-Public Arbitrator

Signature Date

9/14/06 MM
Date of Service (For NASD office use only)

NASD Dispute Resolution
 Arbitration No. 05-04823
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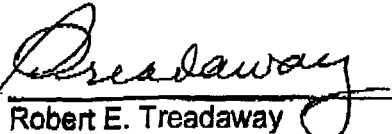
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Robert E. Treadaway
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9-14-06
 Signature Date

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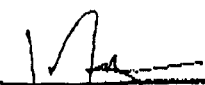
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Signature Date



Jill M. Zacha
Non-Public Arbitrator

9/13/06

Signature Date

9/14/06 

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