

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:
Prudential Equity Group, LLC, Claimant v. Raymond C. Wu, Respondent

Case Number: 05-05207

Hearing Site: Los Angeles, California

Nature of the Dispute: Member v. Associated Person

REPRESENTATION OF PARTIES

For Claimant:

David W. Schmidt, Esq.
Lubiner & Schmidt
Cranford, New Jersey

For Respondent:

Raymond C. Wu
Arcadia, California
No Appearance

CASE INFORMATION

Statement of Claim filed: October 5, 2005

Claimant's Uniform Submission Agreement signed: September 30, 2005

CASE SUMMARY

Claimant alleged default under the terms of a promissory note.

RELIEF REQUESTED

Claimant requested \$158,611.04 in principal balance and accrued interest, interest at the annual rate of 5% from September 30, 2000 until full repayment of the promissory note, and costs, including attorney's fees.

OTHER ISSUES CONSIDERED AND DECIDED

Respondent did not file with NASD Dispute Resolution ("NASD-DR") a properly executed submission agreement or a Statement of Answer but is required to submit to arbitration pursuant to the NASD Code of Arbitration Procedure (the "Code") and is bound by the determination of the Panel on all issues submitted.

On August 31, 2006, Claimant filed a Motion for Default Judgment and for a Determination on the Papers. On September 29, 2006, the Panel granted Claimant's request for default judgment and to decide the case on the papers submitted, without a formal hearing.

Upon review of the pleadings, the evidence presented, and the written representations made on behalf of the Claimant, the undersigned Panel determined that Respondent Raymond C. Wu was properly served with the Statement of Claim and Claimant's Motion for a Determination on the Papers, was given ample time to respond but did not respond to either the Statement of Claim or Claimant's Motion for a Determination on the Papers, and that arbitration of the matter would proceed without said Respondent's response, in accordance with the Code.

The Claimant 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 and evidence presented, the Panel decided in full and final resolution of the issues submitted for determination as follows:

- 1) Respondent Raymond C. Wu is liable and shall pay to Claimant Prudential Equity Group, LLC the sum of \$158,611.04 in compensatory damages.
- 2) Respondent Raymond C. Wu is liable and shall pay to Claimant Prudential Equity Group, LLC accrued pre-judgment interest in the amount of \$48,732.39.
- 3) Respondent Raymond C. Wu is liable and shall pay to Claimant Prudential Equity Group, LLC the sum of \$8,628.31 in costs and attorney's fees, according to contract.
- 4) All other relief requested and not expressly granted, is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution received or will collect the non-refundable filing fees for each claim as follows:

Initial claim filing fee	= \$1,000.00
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Member Fees

Member fees are assessed to each member firm that is either a party in the matter or an employer of a respondent associated person at the time of the events that gave rise to the dispute, claim, or controversy. Accordingly, the member firm Prudential Equity Group, LLC is a party and the following fees are assessed:

Member Surcharge	= \$ 1,700.00
Pre-Hearing Process Fee	= \$ 750.00
Hearing Process Fee	= \$ 2,750.00
Total Member Fees	= \$ 5,200.00

Forum Fees and Assessments

The Panel assessed forum fees for each session conducted or each decision rendered on a discovery-related motion on the papers. A session is any meeting between the parties and the arbitrator(s), including a pre-hearing conference, that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing conference session with the Panel @ \$1,125.00/session	= \$ 1,125.00
Pre-hearing conference: January 25, 2006 1 session	
<u>Decision on the papers</u>	<u>= \$ 300.00</u>
Total Forum Fees	= \$ 1,425.00

The Panel assessed the entire balance of the forum fees, in the amount of \$1,425.00 of to Respondent Raymond C. Wu.

Fee Summary

1. Claimant Prudential Equity Group, LLC is charged with the following fees and costs:

Member Fees	= \$ 5,200.00
Forum Fees	= \$ 1,000.00
Total Fees	= \$ 6,200.00
Less payments	= \$(7,325.00)
Refund Due from NASD Dispute Resolution	= \$(1,125.00)
2. Respondent Raymond C. Wu is charged with the following fees and costs:

Forum Fees	= \$ 1,425.00
Less payments	= \$ (0.00)
Balance Due NASD Dispute Resolution	= \$ 1,425.00

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

ARBITRATION PANEL

Kathryn L. Krebs, Esq.	-	Non-Public Arbitrator, Presiding Chair
Robert S. Fash	-	Non-Public Arbitrator
Basil Lewis	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures



Kathryn L. Krebs, Esq.
Chair, Non-Public Arbitrator

10/6/06

Signature Date

Robert S. Fash
Non-Public Arbitrator

Signature Date

Basil Lewis
Non-Public Arbitrator

Signature Date

October 6, 2006

Date of Service

ARBITRATION PANEL

Kathryn L. Krebs, Esq.	-	Non-Public Arbitrator, Presiding Chair
Robert S. Fash	-	Non-Public Arbitrator
Basil Lewis	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

Kathryn L. Krebs, Esq.
Chair, Non-Public Arbitrator



Robert S. Fash
Non-Public Arbitrator

Signature Date

10/15/06

Signature Date

Basil Lewis
Non-Public Arbitrator

Signature Date

October 16, 2006

Date of Service

ARBITRATION PANEL

Kathryn L. Krebs, Esq.	-	Non-Public Arbitrator, Presiding Chair
Robert S. Fash	-	Non-Public Arbitrator
Basil Lewis	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

Kathryn L. Krebs, Esq.
Chair, Non-Public Arbitrator

Signature Date

Robert S. Fash
Non-Public Arbitrator

Signature Date



Basil Lewis
Non-Public Arbitrator

10/6/2006

Signature Date

October 6, 2006

Date of Service