

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of the Arbitration Between

Nathan Gross

Claimant

vs.

Prudential Bache Securities, Inc.

Respondent

CASE #88-03608
AWARD

CASE SUMMARY

Claimant asserts Respondent influenced and persuaded him to make unsuitable investments at a time when Claimant retired. Further, excessive trading which generated commissions and margin interest were conducted. Respondent contends Claimant was an experienced and knowledgeable investor who suffered losses as a result of unprecedented market conditions. Respondent also contends that all Claimant's transactions were made with his consent and on his direction.

RELIEF REQUESTED

Claimant seeks \$205,117.00, including \$40,000.00 in attorney fees plus unspecified punitive damages. Respondent seeks dismissal of the claim and \$675.00 on the debit balance.


AWARD

On September 27 and October 31, 1989 in three sessions held in New York City the undersigned arbitrators heard the controversy between the parties as set forth in submissions to arbitration signed by Claimant on February 4, 1988, and by Respondent on May 30, 1989. The initial claim was filed on November 23, 1988. The arbitration panel, having considered the pleadings, the testimony, and the evidence presented at the hearing, has determined in full and final resolution of the issues submitted for determination as follows:


1. Claims by Claimant be and hereby are dismissed in their entirety.
2. As to the counterclaim Claimant be and hereby is liable for Six Hundred Seventy Five Dollars and No Cents (\$675.00).
3. The parties shall each bear their respective costs including attorney's fees.

4. Pursuant to Section 43 of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall retain the \$750.00 filing fee previously deposited by the Claimant and assess an additional \$375.00 against Claimant and \$1,125.00 against Respondent Prudential Bache Securities, Inc.

ARBITRATORS CONCURRING


Edward M. Sills


David Adler


Lewis Silver

DATED: November 14, 1989