

NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

In the Matter of Arbitration Between

Samuel G. Rosenthal, M.D.
Elaine Rosenthal

Claimants

CASE #89-00966
AWARD

vs.

Prudential-Bache Securities, Inc.

Respondent

CASE SUMMARY

Claimants, Samuel G. Rosenthal, M.D. and Elaine Rosenthal, allege that they directed Respondent to place two Nuveen Tax Exempt Bonds, which has an approximate value of \$200,000.00 into a joint account for safekeeping and that this account was to constitute a savings account. Claimants also allege that Respondent without his authorization used said bond funds as collateral to purchase other securities and as a result he suffered a loss.

Respondent denies the allegations and alleges that Claimant authorized the transfer of the Nuveen bonds to be used as collateral to purchase other securities margin.

RELIEF REQUESTED

Claimants request that the panel reinstate to their \$63,662.27, the closing debit balance reflected on the January, 1988, Command Account Statement. Respondent requests that the Statement of Claim be dismissed in its entirety.

AWARD

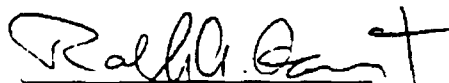
On March 16, 1990 the undersigned arbitrators heard the controversy between the parties as set forth in submissions to arbitration signed by Claimants, on March 7, 1989 and by Respondent, on May 31, 1989. The hearing was conducted on March 16, 1990 and consisted of two sessions. The arbitration panel, 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. All Claims asserted by Claimants, Samuel G. Rosenthal, M.D. and Elaine Rosenthal, against Respondent, Prudential-Bache Securities, Inc. are hereby dismissed in their entirety.

2. The parties shall each bear their respective costs including attorney's fees.
3. Pursuant to section 43 of the Code of arbitration Procedure, the National Association of Securities Dealers, Inc. shall retain the \$500.00 filing fee previously deposited by the Claimant.
4. Pursuant to Section 43 of the Code of Arbitration Procedure, the National Association of securities Dealers, Inc. shall assess Respondent \$500.00 in forum fee.

CONCURRING ARBITRATORS


W. Charles Robinson


Ralph A. Gant


Jonathan Frede

Dated: April 11th, 1990