

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

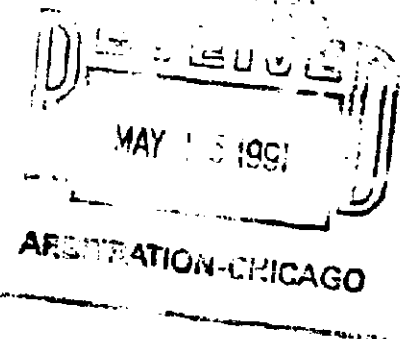
Name of Claimant(s)

Stuart Elovitz

90-00582

Name of Respondent(s)

Prudential-Bache Securities Inc.
Prudential-Bache Agriculture Inc.



CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. ("NASD") on or about February 27, 1990, Dr. Stuart Elovitz ("Claimant") alleged that Prudential-Bache Securities Inc. and Prudential-Bache Agriculture, Inc. ("Respondents") made a private placement of certain limited partnership interests in which Respondents misrepresented and omitted material facts in connection with the sale of the partnership to the Claimant. Claimant asserted that such misrepresentations and omissions: 1) caused Claimant to purchase the security to his detriment, and 2) are a violation of certain federal and state securities laws.

In a Statement of Answer filed on or about April 16, 1990, Respondents denied all allegations of wrongdoing asserted in the Statement of Claim and asserted that: 1) Claimant is a sophisticated investor and was aware of the risks associated with the partnership and, 2) Claimant's losses, if any, were not the result of the acts, misrepresentations or omissions of the Respondents, if any.

RELIEF REQUESTED

Claimant requested actual damages in the amount of \$75,000.00 plus interest in the amount of \$15,187.00, punitive damages in the amount of \$100,000.00, attorney's fees and costs.

Respondent requested that the claim be dismissed in its entirety and that Claimant be required to pay filing fees, forum fees, and Respondent's attorney's fees and costs.

PROCEDURAL MATTERS

On March 5, and 6, 1991 and April 3 and 4, 1991 in Houston, Texas during a hearing lasting a total of eight (8) sessions, the undersigned arbitrators heard the controversy between the parties as set forth in submissions to arbitration signed on February 21, 1990 by Claimant Stuart

Elovitz on April 16, 1990 and by Robert Brunton on behalf of Respondent Prudential Bache Securities Inc. and its affiliate Prudential Bache Agriculture Inc.

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. In either case, the parties have agreed to receive conformed copies of the award while the original(s) remain on file with the NASD.

AWARD

The arbitration panel, having considered the pleadings, the testimony, and the evidence presented at the hearing, has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondents, Prudential-Bache Securities Inc. and Prudential-Bache Agriculture Inc. are hereby liable, jointly and severally, and shall pay to Claimant Stuart Elovitz, damages in the amount of Thirty-Two Thousand Five Hundred Dollars (\$32,500.00);
2. Respondents, Prudential-Bache Securities Inc. and Prudential-Bache Agriculture Inc. are hereby liable, jointly and severally, and shall pay to Claimant Stuart Elovitz, Fourteen Thousand Five Hundred Dollars (\$14,500.00) in attorney's fees pursuant to the Claimant's request for recessionary damages;
3. All other requests for relief are hereby denied;
4. The parties shall each bear all other costs and expenses incurred by them in connection with this proceeding; and
5. Pursuant to Section 43(c) of the Code of Arbitration Procedure, the National Association of Securities Dealers, Inc. shall retain the hearing session deposit in the amount of \$750.00 previously deposited with the NASD by the Claimant. Forum fees are assessed against the Respondents, Prudential-Bache Securities Inc. and Prudential-Bache Agriculture Inc. jointly and severally, in the amount of Six Thousand Dollars (\$6,000.00). Forum fees are to be paid to the NASD, Inc.

Dated:

4/25/91

Bentley Nettles, Esq.
Presiding Chair

Robert Warner
Robert Warner

Morris Rubin
Industry Arbitrator

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Dated:

5-3-91

A. Bentley Nettles
Bentley Nettles, Esq.
Presiding Chair

Robert Warner

Morris Rubin
Morris Rubin
Industry Arbitrator

*I would also recommend that the broker who so
this investment to Mr. Elovitz be barred from the industry*

AM
ABN

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Dated:

Bentley Nettles, Esq.
Presiding Chair

Robert Warner

Morris Rubin
Industry Arbitrator

4-26-1991
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