

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimant

Robert Sussman, M.D.

92-01220

Name of Respondent

Prudential Securities, Inc.

REPRESENTATION

Claimant Robert Sussman, M.D. ("Claimant"): Arthur M. Schwartzstein, Esq.

Respondent Prudential Securities, Inc. ("Respondent"): Gilbert Boyce, Esq. of the law firm of Kutak Rock.

CASE INFORMATION

Statement of Claim filed on: April 6, 1992.

Claimant's Submission Agreement signed on: April 2, 1992.

Statement of Answer filed by Respondent on: June 5, 1992.

Respondent's Submission Agreement signed on: June 4, 1992.

HEARING INFORMATION

Hearing Dates/Sessions: July 29, 1993. 2 sessions
 July 30, 1993. 2 sessions
 October 14, 1993. 2 sessions
 September 21, 1993. 2 sessions
 September 22, 1993. 2 sessions

Hearing Location: Baltimore, Maryland.

CASE SUMMARY

Claimant alleged that Respondent recommended investments that were unsuitable for Claimant's pension account. Claimant alleged that Respondent caused Claimant to invest in risky limited partnership in which Respondent had interests and which were unsuitable for Claimant's retirement funds. Claimant alleged that Respondent induced him to purchase limited partnerships which were risky and relatively illiquid. Claimant alleged that as a result of Respondent's improper conduct, his pension accounts have suffered losses.

Respondent denied each and every allegation asserted by Claimant. Respondent maintained that the Claimant purposefully approved illiquid partnerships for his pension and profit sharing accounts. Respondent maintained that Claimant was well aware of these investments. Respondent maintained that Claimant's investments were suitable for his financial situation and needs. Respondent maintained that the nature of each investment was carefully explained to Claimant. Respondent maintained that Claimant's claim is barred by Section 15 of the Code of Arbitration. Respondent maintained that Claimant's claim is barred by the statute of limitations.

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$63,212, treble damages under RICO in the amount of \$189,636 and punitive damages in the amount of \$400,000.

Respondent requested that Claimant's claim be denied in its entirety.

OTHER ISSUES CONSIDERED & DECIDED

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 originals remain on file with the NASD.

The Respondent's Motion to Dismiss Claimant's claim relating to PRIP IV was granted.

That Respondent's Motion to Bar the remainder of Claimant's claim pursuant to Section 15 or the Statute of Limitation is denied.

That Claimant's Motion to Re-open the hearing and accept additional submissions was granted by the Panel.

AWARD

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

1. That Claimant's claim is denied in its entirety.
2. That all other claims for damages asserted by Claimant, including punitive and RICO damages, are denied in their entirety.
3. That the parties shall bear their respective costs including attorney's fees, except as specified herein.

FORUM FEES

Pursuant to Section 43(c) of the Code of Arbitration Procedure, the following Forum Fees are assessed:

10 Hearing Sessions x \$1000 = \$10,000

The initial hearing session fee of \$1000 is assessed against the Claimant. Claimant has paid \$750 of his initial hearing session fee so that \$250 is due from the Claimant.

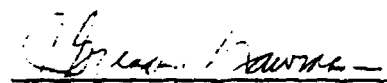
Respondent is assessed for the remaining 9 hearing sessions and shall pay \$9000 in forum fees.

Fees are payable to the National Association of Securities Dealers, Inc.

Concurring Arbitrator's Signature

Name

Public/Industry


J. Gregory Yawman, Esq.

Public Arbitrator

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The initial hearing session fee of \$1000 is assessed against the Claimant. Claimant has paid \$750 of his initial hearing session fee so that \$250 is due from the Claimant.

Respondent is assessed for the remaining 5 hearing sessions and shall pay \$9000 in forum fees.

Fees are payable to the National Association of Securities Dealers, Inc.

Concurring Arbitrator's Signature

Name

Public/Industry


Sandra Lee Dolan

Industry Arbitrator

NASD Date of Decision: December 15, 1993

AWARD

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

1. That Claimant's claim is denied in its entirety.
2. That all other claims for damages asserted by Claimant, including punitive and RICO damages, are denied in their entirety.
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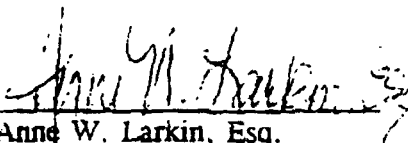
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Fees are payable to the National Association of Securities Dealers, Inc.

Concurring Arbitrator's Signature

Name

Public/Industry


Anne W. Larkin, Esq.

Public Arbitrator

NASD Date of Decision: December 15, 1993