

N.A.S.D. AWARD

NATIONAL ASSOCIATION OF SECURITIES DEALERS

In the Matter of the Arbitration Between

Name of Claimants

Gerda Murphy

93-03188

Name of Respondents

Prudential-Bache Securities

CASE SUMMARY

In a claim filed with the National Association of Securities Dealers, Inc. on September 23, 1993, Claimant Gerda Murphy, who appeared Pro Se, alleged that she purchased twenty units of the Prudential-Bache Energy Income Limited Partnership from Respondent Prudential-Bache Securities in December, 1987. Claimant further alleged that the limited partnership units were sold to her as an alternative to CD's, since Respondent told her that these units were a safe, liquid investment. Claimant contended that she sold the Limited Partnership units in 1993 at a great loss. Claimant further contended that had she invested in CD's instead of the Limited Partnership, she would still have her principal plus interest since December, 1987. As a result of the above, Claimant contended that she has suffered damages for which the Respondent should be liable.

Respondent Prudential-Bache Securities Incorporated, through its in-house counsel Alisa K. Strauss, Esq., New York, New York, maintained that the limited partnership investment was perfectly suitable for Claimant, as it represented a mere 6.6% of the Claimant's total stated liquid net worth. Respondent further maintained that the Claimant received earned distributions from the partnership totaling \$2,101.60. Respondent contended that its broker explained to Claimant that the limited partnership would be illiquid for at least 5 to 7 years. Respondent further contended that Claimant was given a prospectus which accurately reflected the risks of the limited partnership investment. As a result of the above, Respondent requested that the Claimant's Statement of Claim be dismissed in its entirety.

RELIEF REQUESTED

Claimant Gerda Murphy requested \$3,102.40 in actual damages, plus interest from December 12, 1987 to present.

Respondent Prudential-Bache Securities Incorporated requested that the Statement of Claim be dismissed in its entirety, and costs associated with defending this action be assessed against Claimant.

AWARD

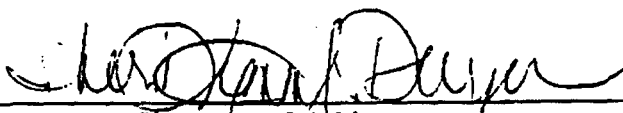
Pursuant to Section 13 of the National Association of Securities Dealers, Inc. Code of Arbitration Procedure, a single public arbitrator, Sheri Lynn Ackerman-Dwyer, was selected to review and determine the matter in controversy between the parties set forth in submissions to Arbitration signed by the Claimant on September 17, 1993 and by the Respondent on January 5, 1994.

And, the Arbitrator, having considered the proof of the Parties, has decided and determined in full and final resolution of the issues submitted for determination as follows:

1. Claimant Gerda Murphy's claims against Respondent Prudential-Bache Securities Incorporated are dismissed in their entirety.
2. The parties shall bear their respective costs, including attorneys' fees.
3. The \$125.00 filing fee previously deposited with the National Association of Securities Dealers, Inc. by the Claimant shall be retained by the NASD, Inc.

AFFIRMATION

I, **SHERI LYNN ACKERMAN-DWYER**, do hereby affirm upon my oath of arbitrator that I am the individual described herein and who executed this instrument, which is my oath and award.



Signature of Arbitrator

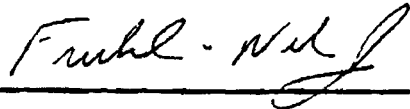
DATE OF DECISION: 6/13/94

DATED BY THE NASD, INC.: June 27, 1994

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STATE OF New York ss.:COUNTY OF Albany

On this 16th day of June 1994, before me personally appeared to me known and known before me to be the individual described in and who executed the foregoing instrument and he duly acknowledged to me that he executed the same.



FREDERICK V. NICHOLS
Notary Public, State of New York
Qualified in Saratoga County
Commission Expires 8-14-96

Sheri L. Dwyer

NYS Bar Lic

Exp 8-15-96

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