

1098

**AWARD**

**NASD REGULATION, INC., OFFICE OF DISPUTE RESOLUTION**

In the matter of the Arbitration Between

**Name of Claimants**

Kimberly Leonoudakis and Carol Garnant, as Executrices of the Will of Francis M. Crotty, Deceased

v.

Arbitration No.  
96-05116

**Name of Respondents**

Mark A. Erskine and Prudential Securities, Inc.

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**REPRESENTATION**

For Claimants:	Bryan J. Wilson, Esq. Su W. Hwang, Esq. Morrison & Foerster LLP
For Respondent Mark Erskine:	L. Louis Raring, Esq. Law Office of L. Louis Raring Costa Mesa, California
For Respondent Prudential Securities, Inc.:	William M. Cassarini, Esq. Prudential Securities, Inc. New York, New York

**CASE INFORMATION**

Statement of Claim filed:	November 15, 1996
Claimant's Submission Agreement signed:	November 15, 1996
Statement of Answer filed by Respondent Mark Erskine:	May 19, 1997
Statement of Answer filed by Respondent Prudential Securities, Inc.:	April 4, 1997

**OTHER ISSUES CONSIDERED AND DECIDED**

The parties have agreed that the Award in this matter may be executed in either 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 remains on file with the NASD Regulation, Inc., Office of Dispute Resolution.

**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. Claimants' claims are denied in their entirety.
2. The parties shall each bear their respective costs, including attorney's fees and witness fees.

**FORUM FEES**

Pursuant to Rule 10332(c) of the Code of Arbitration Procedure, the following forum fees are assessed against Claimants and Respondent Erskine:

One (1) Full Panel pre-hearing conference @ \$750.00/Session	= \$750.00
One (1) Single Arbitrator pre-hearing conference @ \$300.00/Session	= \$300.00
Seven (7) Hearing Sessions @ \$750.00/Session	= \$5,250.00
<b>Total Forum Fees Assessed</b>	<b>= \$6,300.00</b>
 Claimants' one-half share	 = \$3,150.00
<u>Credit for Hearing Session Deposit</u>	<u>= (\$750.00)</u>
<b>Claimants' Balance Due</b>	<b>= \$2,400.00</b>
 <u>Respondent Erskine's one-half-share</u>	 <u>= \$3,150.00</u>
<b>Respondent Erskine's Balance Due</b>	<b>= \$3,150.00</b>

Fees are payable to NASD Regulation, Inc.

**ARBITRATORS**

<b><u>Name</u></b> .....	<b><u>Public/Industry</u></b>
Wayne E. Gallop, Esq.	Public Arbitrator
Philip P. Tamoush	Public Arbitrator
Curtis H. Baer	Industry Arbitrator

**Concurring Arbitrators' Signatures**

Wayne E. Gallop, Esq.  
Wayne E. Gallop, Esq.

Philip P. Tamoush

Curtis H. Baer

Date of Service:

1/16/98

**ARBITRATORS**

<u>Name.....</u>	<u>Public/Industry</u>
Wayne E. Gallop, Esq.	Public Arbitrator
Philip P. Tamoush	Public Arbitrator
Curtis H. Baer	Industry Arbitrator

**Concurring Arbitrators' Signatures**

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Wayne E. Gallop, Esq.



Philip P. Tamoush

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Curtis H. Baer

Date of Service:

16 January 1998

**ARBITRATORS**

<u>Name</u> .....	<u>Public/Industry</u>
Wayne E. Gallop, Esq.	Public Arbitrator
Philip P. Tamoush	Public Arbitrator
Curtis H. Baer	Industry Arbitrator

**Concurring Arbitrators' Signatures**

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Wayne E. Gallop, Esq.

\_\_\_\_\_  
Philip P. Tamoush

*Curtis H. Baer*  
Curtis H. Baer

Date of Service: 1-16-98