

N.A.S.D. STIPULATED AWARD

NASD Regulation, Inc. Office of Dispute Resolution

In the Matter of the Arbitration Between

Name of Claimant

Evelyn Grossman

97-04214

Names of Respondents

Prudential Securities, Inc.

John Pavlus

Lanny Leff

REPRESENTATION

For Claimant: Gary A. Feder of Feder & Dunn, P.A., Deerfield Beach, Florida.

For Respondents: Craig D. Stein, Esq. of Stein, Rosenberg & Winkoff, Fort Lauderdale, Florida.

CASE INFORMATION

Statement of Claim filed: August 22, 1997.

Claimant's Submission Agreement signed on: July 25, 1997.

Joint Statement of Answer filed by Respondents Prudential Securities, Inc. ("Prudential"), John Pavlus ("Pavlus") and Lanny Leff ("Leff"): October 23, 1997.

Respondent Prudential's Submission Agreement/Corporate Acknowledgment signed: December 10, 1997 by V. Michael Arias on behalf of the firm.

Submission Agreement signed by Respondent Pavlus on: October 22, 1997.

Submission Agreement signed by Respondent Leff on: October 30, 1997.

HEARING INFORMATION

No hearings were conducted in this matter.

CASE SUMMARY

Claimant alleged that Respondents Prudential, Pavlus and Leff purchased securities for her account at Prudential that were unsuitable and that they misrepresented the risks associated with said purchases. Claimant further alleged that as a result of Respondents' actions and omissions she suffered financial losses.

Respondents denied the allegations of wrongdoing contained in the Statement of Claim and maintained that they acted fairly and appropriately in their dealings with the Claimant.

RELIEF REQUESTED

Claimant requested an award of compensatory damages in the amount of \$10,000.00; punitive damages of \$90,000.00; interest; reimbursement of filing fees; attorneys' fees; costs; and, any other damages, fees and costs deemed just and proper by the panel.

Respondents requested a dismissal of the claim and that they be awarded their attorneys' fees and costs.

OTHER ISSUES CONSIDERED & DECIDED

On July 8, 1998, the parties filed with NASD Regulation, Inc. a Stipulation of Withdrawal and Dismissal, with prejudice, with respect to Respondent Leff and requested that the arbitration panel expunge all references to this matter from Respondent Leff's Central Registration Depository ("CRD") record. Further, the parties stipulated to waive an oral hearing on the expungement issue and agreed that the Chairperson alone may execute any Stipulated Award. Thereafter, on July 15, 1998, the parties, via facsimile, advised NASD Regulation, Inc. that the remaining parties, Prudential and Pavlus had reached an amicable settlement of the matter with the Claimant.

AWARD

After considering the pleadings and the Stipulation of Withdrawal and Dismissal executed by the Claimant and Respondent Leff, and having been informed of the settlement agreement entered into between Respondents Prudential, Pavlus and the Claimant, the undersigned arbitrator, acting on behalf of the arbitration panel, consents to same and incorporates said stipulation by reference into this Award.

Furthermore, the undersigned arbitrator, acting on behalf of the arbitration panel, has determined in full and final resolution of the issues submitted for determination as follows:

1. All references to this arbitration shall be expunged from Respondent Lanny Leff's CRD record with the NASD.

FORUM FEES


No Forum Fees were assessed.

OTHER FEES

1. Pursuant to Rule 10332(f) of the Code, NASD Regulation, Inc. shall retain the hearing session deposit of \$500.00 paid by the Claimant.
2. Pursuant to Rule 10332(c) of the Code, Claimant has paid the claim filing fee of \$150.00.
3. Pursuant to Rule 10333 of the Code, Respondent Prudential has paid to NASD Regulation, Inc. the member surcharge of \$1,000.00.

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Concurring Arbitrator's Signature


Richard B. Conner, Esq., Chairperson
On Behalf of the Arbitration Panel

Date of Decision: JULY 21, 1998

NATIONAL ASSOCIATION OF SECURITIES DEALERS

CASE NO: 97-04214

IN THE MATTER OF THE ARBITRATION BETWEEN

EVELYN GROSSEMAN,

Claimant,

vs.

PRUDENTIAL SECURITIES, INC.,
LARRY LEFF and JOHN PAVLUS,

Respondents.

STIPULATION OF WITHDRAWAL AND DISMISSAL

IT IS HEREBY STIPULATED AND AGREED by and between counsel for the undersigned parties that any and all claims asserted against LARRY LEFF in this arbitration are hereby withdrawn with prejudice and LARRY LEFF dismissed for the above referenced action;

IT IS FURTHER STIPULATED AND AGREED that the parties here jointly move for an Award by the Arbitration Panel expunging all references of this matter from LARRY LEFF Central Registration Depository ("CRD");

IT IS FURTHER STIPULATED AND AGREED that the parties waive an oral hearing on the matter and the Chairperson alone may execute an order.

DATED: 7/8/98

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BY: 

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