

**Award**  
**NASD Dispute Resolution, Inc.**

---

In the Matter of the Arbitration Between:

Richard G. Bell and Danielle Stanton, Claimants v. Prudential Securities, Inc., Robert J Filderman, and Gene Ingargiola, Respondents

Case Number: 99-04338

Hearing Site: San Diego, California

---

**REPRESENTATION OF PARTIES**

For Claimants:

Robert A. Uhl, Esq. and  
Philip M. Aidikoff, Esq.  
Aidikoff & Uhl  
Beverly Hills, California

For Respondents:

Terry Ross, Esq. and  
Janet Simmons Stemler, Esq.  
Keesal, Young & Logan  
Long Beach, California

**CASE INFORMATION**

Statement of Claim filed: September 22, 1999

Claimants' Uniform Submission Agreement signed: September 21, 1999

Claimants' Statement of Answer to Respondent Prudential Securities, Inc.'s Counterclaim:  
March 1, 2000

Joint Statement of Answer filed by Respondents: February 9, 2000

Counterclaim filed by Respondent Prudential Securities, Inc.: February 9, 2000

Respondent Prudential Securities, Inc.'s Uniform Submission Agreement filed: February 11, 2000

Respondent Robert J. Filderman's Uniform Submission Agreement signed: January 11, 2000

Respondent Gene Ingargiola's Uniform Submission Agreement signed January 13, 2000

### **CASE SUMMARY**

Claimants alleged fraud, negligent misrepresentation, breach of contract, breach of implied covenant of good faith and fair dealing, interference with business and contractual relationships, defamation, and slander per se. The dispute involved an alleged breach of an employment contract between associated persons and a broker dealer.

Respondents denied the allegations of wrongdoing set forth in the Claimants' Statement of Claim.

In their Counterclaim, Respondent Prudential Securities, Inc. alleged breach of promissory notes.

Claimants' denied the allegations of wrongdoing set forth in Respondent Prudential Securities, Inc.'s Counterclaim.

### **RELIEF REQUESTED**

Claimants requested \$500,000.00 in compensatory damages, and sought unspecified punitive damages, interest, and reimbursement for attorney's fees and arbitration costs.

Respondents requested dismissal of the Claimants' Statement of Claim in its entirety.

In their Counterclaim, Prudential Securities, Inc. requested \$162,343.44 in compensatory damages, and sought interest, and reimbursement of attorney's fees and arbitration costs.

In response to the Counterclaim, Claimants' requested dismissal of the Counterclaim and sought reimbursement of attorney's fees and arbitration costs.

### **OTHER ISSUES CONSIDERED AND DECIDED**

At the hearing, Claimant dismissed without prejudice Respondent Robert J. Filderman,

The parties agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered.

### **AWARD**

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

- 1) Claimants' request for compensatory damages is denied.
- 2) Respondent's request for compensatory damages is denied.
- 3) Claimants' request for punitive damages is denied.
- 4) Respondent's request for punitive damages is denied.
- 5) Respondent Prudential Securities, Inc. is liable to and shall pay Claimants \$75,689.27 in attorney's fees pursuant to the terms of the promissory notes.
- 6) Respondent Prudential Securities, Inc. is liable to and shall pay Claimants \$1,575.00 for reimbursement of filing fees.
- 7) Respondent Prudential Securities, Inc. is liable to and shall pay Claimants \$9,700.00 in expert witness fees.
- 8) Respondent Prudential Securities, Inc. is liable to and shall pay Claimant interest on items 5 through 7 above at the rate of 10% per annum simple interest from the date of the Award until paid in full.
- 9) Respondent Gene Ingargiola is dismissed without prejudice.
- 10) Except as noted above, each party shall bear their respective costs, including attorney's fees.
- 11) All other relief requested and not expressly granted is denied.

The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Robert J. Fildermans' registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notice to Members 99-09, Respondent Robert J. Filderman must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

### **FEES**

Pursuant to the Code, the following fees are assessed:

#### **Filing Fees**

NASD Dispute Resolution, Inc. received or will collect the non-refundable filing fees for each claim as follows:

Initial claim filing fee	= \$ 375.00
Respondent Prudential Securities, Inc. Counterclaim filing fee	= \$ 1,000.00

#### **Member Fees**

Member fees are assessed to each member firm that is either a party in the matter or an employer of a respondent associated person at the time of the events which gave rise to the dispute, claim, or controversy. Accordingly, the member firm Prudential Securities, Inc. is a party and the following fees are assessed:

Member Surcharge	= \$2,000.00
Pre-Hearing Process Fee	= \$ 600.00
<u>Hearing Process Fee</u>	<u>= \$ 3,500.00</u>
<b>Total Member Fees</b>	<b>= \$6,100.00</b>

#### **Adjournment Fees**

The following adjournment fees are assessed:

Hearing Dates: February 27, 2001 - March 5, 2001	
Adjournment requested by Respondents Prudential Securities, Inc., Robert J. Filderman, and Gene Ingargiola	= \$ 1,200.00

#### **Forum Fees and Assessments**

The Panel assessed a forum fee for each pre-hearing conference or hearing session conducted. A pre-hearing conference and hearing session is any meeting between the parties and the Panel. The following fees are assessed:

2 Pre-hearing conference sessions with the Panel @ \$1,200.00/session	= \$2,400.00
Pre-hearing conferences:	
July 17, 2000	1 session
February 9, 2001	1 session
10 Hearing sessions @ \$1,200.00/session	= \$12,000.00
Hearings:	
April 9, 2001	3 sessions
April 10, 2001	3 sessions
April 11, 2001	3 sessions
April 12, 2001	1 sessions
<b>Total Forum Fees</b>	<b>= \$14,400.00</b>

The Panel assessed \$ 14,400.00 of the forum fees to Respondent Prudential Securities, Inc

**Fee Summary**

1. Claimants Richard G. Bell and Danielle Stanton are charged jointly and severally with the following **fees** and costs:

Initial Filing Fee	= \$ 375.00
<u>Less Payments</u>	= \$(1,575.00)
<b>Refund Due Claimants</b>	<b>= \$(1,200.00)</b>

2. Respondent Prudential Securities, Inc. is charged with the following fees and costs:

Member Fees	= \$ 6,100.00
Counterclaim Filing Fee	= \$ 1,000.00
<u>Forum Fees</u>	= \$14,400.00
Total Fees	= \$21,500.00
<u>Less Payments</u>	= \$ (8,225.00)
<b>Balance Due NASD Dispute Resolution, Inc.</b>	<b>= \$13,275.00</b>

3. Respondents Prudential Securities, Inc., Robert J. Filderman, and Gene Ingargiola are charged jointly and severally with the following fees and costs:

Postponement Fee	= \$ 1,200.00
<u>Less Payment</u>	= \$(1,200.00)
<b>Balance Due NASD Dispute Resolution, Inc.</b>	<b>= \$ 0.00</b>

All balances are payable to NASD Dispute Resolution, Inc. and are to be paid upon receipt of the Award by the parties pursuant to Rule 10330(g) of the Code.

Concurring Arbitrators' Signatures

  
Jeffrey M. Richaven, Esq.  
Chair, Public Arbitrator

April 17, 2001  
Signature Date

\_\_\_\_\_  
Robert John Wagener  
Public Arbitrator

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Brett W. Everhart  
Non-Public Arbitrator

\_\_\_\_\_  
Signature Date

April 18, 2001  
Date of Service

**Concurring Arbitrators' Signatures**

\_\_\_\_\_  
Jeffrey G. Kichaven, Esq.  
Chair, Public Arbitrator

\_\_\_\_\_  
Signature Date

  
Robert John Wagner  
Public Arbitrator

17 April 2001  
Signature Date

\_\_\_\_\_  
Brett W. Everhart  
Non-Public Arbitrator

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Date of Service

Concurring Arbitrators' Signatures

---

Jeffrey G. Kichaven, Esq.  
Chair, Public Arbitrator

---

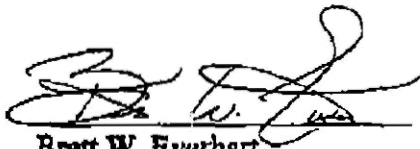
Signature Date

---

Robert John Wagener  
Public Arbitrator

---

Signature Date



---

Brett W. Everhart  
Non-Public Arbitrator

4-18-01

---

Signature Date

---

Date of Service



NASD Dispute Resolution, Inc.  
300 South Grand Avenue, Suite 1620  
Los Angeles, California 90071  
213-613-2680 213-613-2677 FAX

## Proof of Service

State of California, County of Los Angeles

I am employed in the county of Los Angeles. I declare that I am over the age of eighteen (18) and not a party to this action. My business address is:

NASD Dispute Resolution, **Inc.**  
300 South Grand Avenue, Suite 1620  
Los Angeles, California **90071.**

**On** April 18, 2001, I served the following documents described as:

Award, Cover Letters, and Invoice Statement for Arbitration Case No. **99-04338** on the interested parties in this action by placing the ~~true~~ copies thereof enclosed in the sealed envelopes as follows:

Robert A. **Uhl**, Esq.; Aidikoff & Uhl; 9454 Wilshire Blvd., Penthouse Suite;  
Beverly Hills, CA 90212; Fax # 310-859-0513

Janet Simrnons Stemler, Esq.; Keesal, Young & Logan; 400 Oceangate; P.O. Box.  
1730; Long Beach, CA 90801-1730; Fax # 562-436-7416

- ☒ I deposited such envelop in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.
- ☐ By Personal Service, I caused such envelope to be delivered by hand to the individuals at the addressee(s) listed.
- ☐ By overnight courier, I caused the above-referenced documents to be delivered to an overnight courier service (Airborne Express), for delivery to the above addressees.
- ☒ By facsimile machine, I caused the above-referenced documents to be transmitted to the above-named persons at the fax numbers provided above.
- ☒ (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☐ (FEDERAL) I declare that I am employed in the office of a member of the bar on this court at whose direction the service was made.

Executed this April 18, 2001, at Los Angeles, California.

  
David J. Nelson