

Amended 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 with 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 - 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 with 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.
- 12) 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
Hearing Process Fee	= \$ 3,500.00
Total Member Fees	= \$ 6,100.00

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 session

Total Forum Fees = **\$14,400.00**

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
Less Payments = \$(1,575.00)
Refund Due Claimants = **\$(1,200.00)**

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

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

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
Less Payment = \$(1,200.00)
Balance Due NASD Dispute Resolution, Inc. = **\$ 0.00**

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.


ARBITRATION PANEL

Jeffrey G. Kichaven, Esq.
Robert John Wagener
Brett W. Everhart

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Public, Presiding Chair
Public Arbitrator
Non-Public Arbitrator

Concurring Arbitrators' Signatures



Jeffrey G. Kichaven, Esq.
Chair, Public Arbitrator

5/21/01
Signature Date

Robert John Wagener
Public Arbitrator

Signature Date

Brett W. Everhart
Non-Public Arbitrator

Signature Date

May 21, 2001
Date of Service

ARBITRATION PANEL

Jeffrey G. Kichaven, Esq.
Robert John Wagener
Brett W. Everhart

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Public, Presiding Chair
Public Arbitrator
Non-Public Arbitrator

Concurring Arbitrators' Signatures

Jeffrey G. Kichaven, Esq.
Chair, Public Arbitrator

Signature Date


Robert John Wagener
Public Arbitrator

21 May 2001
Signature Date

Brett W. Everhart
Non-Public Arbitrator

Signature Date

Date of Service

ARBITRATION PANEL

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Robert John Wagener
Brett W. Everhart

Public, Presiding Chair
Public Arbitrator
Non-Public Arbitrator

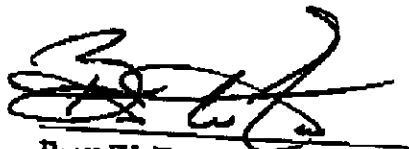
Concurring Arbitrators' Signatures

Jeffrey G. Kichaven, Esq.
Chair, Public Arbitrator

Signature Date

Robert John Wagener
Public Arbitrator

Signature Date


Brett W. Everhart
Non-Public Arbitrator

5/21/01
Signature Date

Date of Service