

**Award  
FINRA Dispute Resolution**

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In the Matter of the Arbitration Between:

Claimant  
William Freas

Case Number: 14-03775

vs.

Respondent  
Rockwell Global Capital LLC

Hearing Site: Philadelphia, Pennsylvania

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Nature of the Dispute: Customer vs. Member

This case was decided by an all-public panel.

**REPRESENTATION OF PARTIES**

For Claimant William Freas: Jonathan Kurta, Esq., Fitapelli Kurta, New York, New York.

For Respondent Rockwell Global Capital LLC: Robert M. Bursky, Esq., New York, New York.

**CASE INFORMATION**

Statement of Claim filed on or about: December 16, 2014.

William Freas signed the Submission Agreement: December 10, 2014.

Statement of Answer filed by Respondent on or about: March 20, 2015.

Rockwell Global Capital LLC signed the Submission Agreement: March 20, 2015.

**CASE SUMMARY**

Claimant asserted the following causes of action: unsuitability, breach of fiduciary duty, fraud, breach of contract, negligence, misrepresentation, and negligent supervision.

The causes of action relate to the recommendation and purchase of various securities.

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

**RELIEF REQUESTED**

In the Statement of Claim, Claimant requested compensatory damages in the amount of \$350,000.00, punitive damages, pre-judgment interest, attorneys' fees and costs, forum fees incurred herein, and such other and further relief which this Panel deems just and proper under the circumstances.

At the close of the hearing, Claimant requested compensatory damages in the amount of \$278,416.92 plus interest, costs, attorneys' fees in the amount of 25% of damages awarded, and punitive damages in the amount of three times compensatory damages.

Respondent requested the Claimant's claim be dismissed with prejudice, that Claimant be assessed all forum fees and other FINRA charges and reimburse Respondent its member surcharge, and such other and further relief as is permitted by law and which the Panel deems just and proper.

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

The Arbitrators acknowledge that they have each read the pleadings and other materials filed by the parties.

The parties have 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, the testimony and evidence presented at the hearing, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondent is liable for and shall pay the Claimant compensatory damages in the amount of \$35,000.00.
2. Any and all relief not specifically addressed herein, including punitive damages and attorneys' fees, is denied.

### **FEES**

Pursuant to the Code, the following fees are assessed:

#### **Filing Fees**

FINRA Dispute Resolution assessed a filing fee\* for each claim:

Initial Claim Filing Fee	= \$ 1,425.00
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*\*The filing fee is made up of a non-refundable and a refundable portion.*

#### **Member Fees**

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm that employed the associated person at the time of the events giving rise to the dispute. Accordingly, as a party, Rockwell Global Capital, LLC is assessed the following:

Member Surcharge	= \$ 1,900.00
Member Process Fee	= \$ 3,750.00

**Adjournment Fees**

Adjournments granted during these proceedings for which fees were assessed:

November 9, 2015 adjournment by Respondent	= \$1,125.00
<b>Total Adjournment Fees</b>	<b>= \$1,125.00</b>

The Panel assessed the \$1,125.00 adjournment fees to Respondent.

**Discovery-Related Motion Fees**

Fees apply for each decision rendered on a discovery-related motion.

Four (4) Decisions on discovery-related motions on the papers with (1) <u>one</u> arbitrator @ \$200.00	= \$ 800.00
Claimant submitted one (1) discovery-related motion	
Respondent submitted three (3) discovery-related motions	
<b>Total Discovery-Related Motion Fees</b>	<b>= \$ 800.00</b>

The Panel has assessed \$400.00 of the discovery-related motion fees to Claimant.

The Panel has assessed \$400.00 of the discovery-related motion fees to Respondent.

**Hearing Session Fees and Assessments**

The Arbitrator Panel has assessed hearing session fees for each session conducted. A session is any meeting between the parties and the arbitrators, including a pre-hearing conference with the arbitrators, that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with the Panel @ \$1,125.00	= \$ 1,125.00
Initial Pre-hearing conference: May 12, 2015	1 session
Nine (9) Hearing sessions @ \$1,125.00	= \$10,125.00
Hearing Dates:	
October 19, 2015	2 sessions
October 20, 2015	2 sessions
October 21, 2015	2 sessions
November 11, 2015	2 sessions
November 13, 2015	1 session
<b>Total Hearing Session Fees</b>	<b>= \$11,250.00</b>

The Panel has assessed \$5,625.00 of the hearing session fees to Claimant.

The Panel has assessed \$5,625.00 of the hearing session fees to Respondent.


All balances are payable to FINRA Dispute Resolution and are due upon receipt.

ARBITRATION PANEL

Elliot B. Platt	-	Public Arbitrator, Presiding Chairperson
Mark H. Stein	-	Public Arbitrator
Joseph H. Danziger	-	Public Arbitrator

I, the undersigned Arbitrator, do hereby affirm that I am the individual described herein and who executed this instrument which is my award.

Concurring Arbitrators' Signatures

  
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Elliot B. Platt  
Public Arbitrator, Presiding Chairperson

12/12/15  
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Signature Date

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Mark H. Stein  
Public Arbitrator

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

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Joseph H. Danziger  
Public Arbitrator

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Signature Date

December 18, 2015  
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Date of Service (For FINRA Dispute Resolution office use only)

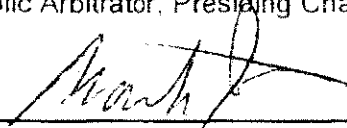
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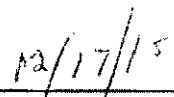
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Signature Date

December 18, 2015

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