

Award
FINRA Office of Dispute Resolution

In the Matter of the Arbitration Between:

Claimants
Robert Dale
Robert Dale IRA

Case Number: 15-00027

vs.

Respondents
Manny Aizen
Johnny L. Fussell
Daniel Edward Levin
Teri Michelle McFarlane
Edward Michael Milkie
Milkie Ferguson Investments, Inc.
Scott Donovan Schroeder

Hearing Site: Los Angeles, California

Nature of the Dispute: Customers vs. Member, Associated Persons, and Non-Member

This case was decided by an all-public panel.

REPRESENTATION OF PARTIES

For Claimants Robert Dale and Robert Dale IRA, hereinafter referred to as "Claimants":
David Liebrader, Esq., The Law Offices of David Liebrader, Las Vegas, Nevada

For Respondents Manny Aizen ("Aizen"), Teri Michelle McFarlane ("McFarlane"),
Edward Michael Milkie ("Milkie"), and Milkie Ferguson Investments, Inc. ("MF
Investments"): Henry J. Ackels, Esq., Ackels & Ackels, L.L.P., Dallas, Texas

Respondent Daniel Edward Levin ("Levin"): *Pro se*, Dallas, Texas

Respondent Scott Donovan Schroeder ("Schroeder"): *Pro se*, Houston, Texas

Respondent Johnny L. Fussell did not enter an appearance in this matter.

CASE INFORMATION

Statement of Claim filed on or about: December 31, 2014
Claimants signed the Submission Agreement: December 24, 2014

Statement of Answer filed by Aizen, McFarlane, Milkie, and MF Investments on or
about: May 5, 2015

Statement of Answer filed by Levin on or about: March 9, 2017
Levin signed the Submission Agreement: March 8, 2017

Statement of Answer filed by Schroeder on or about: March 8, 2017
Schroeder signed the Submission Agreement: March 21, 2017

Aizen, McFarlane, Milkie, and MF Investments did not sign Submission Agreements.

CASE SUMMARY

Claimants asserted the following causes of action: breach of fiduciary duty, misrepresentations and omissions, negligence, breach of contract, and violations of California Code §25110 et seq. and §§25503 and 25504. The causes of action relate to Claimants' investment in Life Partners.

Unless specifically admitted in the Statement of Answer, Aizen, McFarlane, Milkie, and MF Investments denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

Unless specifically admitted in their individual Statements of Answer, Levin and Schroeder denied the allegations made in the Statement of Claim

RELIEF REQUESTED

In the Statement of Claim, Claimants requested:

1. Compensatory damages in an amount not less than \$280,000.00;
2. Consequential damages in an amount according to proof;
3. Disgorgement and restitution of all earnings, profits, compensation and benefits received by Respondents as a result of their improper acts and practices in an amount according to proof;
4. Punitive damages in an amount to be determined by the Panel;
5. Pre-award and post-award interest at the maximum rate allowed by law from the date of the original investment; and
6. Costs of the arbitration and expenses including reasonable attorneys' fees, expert witness fees and any other costs deemed reasonable.

In the Statement of Answer, Aizen, McFarlane, Milkie, and MF Investments requested:

1. An award of, and recovery of, all reasonable and necessary attorneys' fees to respond to, and to defend against this claim, as well as all expenses associated therewith;
2. Claimants' claims be denied in their entirety;
3. Expenses and costs to defend this case;
4. Recovery of all expenses of this arbitration, of every kind, which are expended in the defense of Claimants' claims, including, but not limited to, travel expenses, forum costs, litigation expenses, materials costs, expenses for attendance at all hearings, attorneys' fees, consulting fees, witness fees, and expenses for witnesses to give testimony or appear at hearings, etc.; and
5. Such other relief to which Respondents Aizen, McFarlane, Milkie, and MF Investments may be entitled, at law or in equity, special or general.

In their individual Statements of Answer, Levin and Schroeder did not include any relief requests.

OTHER ISSUES CONSIDERED AND DECIDED

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

Respondent Johnny L. Fussell is not a member or associated person of FINRA and did not voluntarily submit to arbitration. Therefore, the Panel made no determination with respect to Claimants' claims against Respondent Johnny L. Fussell.

Aizen, McFarlane, Milkie, and MF Investments did not file with FINRA Office of Dispute Resolution properly executed Submission Agreements but are required to submit to arbitration pursuant to the Code of Arbitration Procedure ("Code") and, having answered the claim, are bound by the determination of the Panel on all issues submitted.

By email dated January 11, 2016, Claimants dismissed with prejudice Aizen, McFarlane, Milkie, MF Investments, and Respondent Johnny L. Fussell. Claimants' claims proceeded against Levin and Schroeder.

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, Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Levin and Schroeder are jointly and severally liable for and shall pay to Claimants compensatory damages in the amount of \$241,547.00.
2. Any and all claims for relief not specifically addressed herein, including punitive damages, and attorneys' fees, are denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

FINRA Office of 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(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. Accordingly, as a party, MF Investments is assessed the following:

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

Postponement Fees

Postponements granted during these proceedings for which fees were assessed or waived:

April 12 – 13, 2016, postponement by Claimants	= WAIVE
April 14 – 15, 2016, postponement by Claimants and Levin and Schroeder	= \$ 1,125.00

Total Postponement Fees	= \$ 1,125.00
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1. The Panel has assessed \$562.50 of the adjournment fees jointly and severally to Claimants.
2. The Panel has assessed \$562.50 of the adjournment fees jointly and severally to Levin and Schroeder.

Hearing Session Fees and Assessments

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

Three (3) pre-hearing sessions with the Panel @ \$1,125.00/session	= \$ 3,375.00
Pre-hearing conferences: June 29, 2015	1 session
August 10, 2015	1 session
November 21, 2016	1 session

Two (2) hearing sessions @ \$1,125.00/session	= \$ 2,250.00
Hearing Date: May 8, 2017	2 sessions

Total Hearing Session Fees	= \$ 5,625.00
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1. The Panel has assessed \$2,250.00 of the hearing session fees jointly and severally to Claimants.
2. The Panel has assessed \$562.50 of the hearing session fees jointly and severally to Aizen, McFarlane, Milkie, MF Investments, Levin, and Schroeder.
3. The Panel has assessed \$562.50 of the hearing session fees to Levin.

4. The Panel has assessed \$1,125.00 of the hearing session fees jointly and severally to Levin and Schroeder.
5. The Panel has determined to waive the \$1,125.00 hearing session fee for the pre-hearing conference held June 29, 2015.

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

ARBITRATION PANEL

Elliott Zachary Seff	-	Public Arbitrator, Presiding Chairperson
Brent J. Rosenbaum	-	Public Arbitrator
Steven H. Gentry	-	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



Elliott Zachary Seff
Public Arbitrator, Presiding Chairperson

May 17, 2017

Signature Date

Brent J. Rosenbaum
Public Arbitrator

Signature Date

Steven H. Gentry
Public Arbitrator

Signature Date

May 19, 2017

Date of Service (For FINRA Office of Dispute Resolution office use only)

ARBITRATION PANEL


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Brent J. Rosenbaum	-	Public Arbitrator
Steven H. Gentry	-	Public Arbitrator

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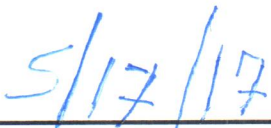
Concurring Arbitrators' Signatures

Elliott Zachary Seff
Public Arbitrator, Presiding Chairperson

Signature Date



Brent J. Rosenbaum
Public Arbitrator



Signature Date

Steven H. Gentry
Public Arbitrator

Signature Date

May 19, 2017
Date of Service (For FINRA Office of Dispute Resolution office use only)

ARBITRATION PANEL

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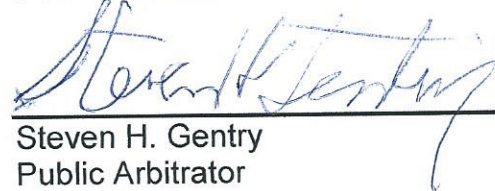
Concurring Arbitrators' Signatures

Elliott Zachary Seff
Public Arbitrator, Presiding Chairperson

Signature Date

Brent J. Rosenbaum
Public Arbitrator

Signature Date



Steven H. Gentry
Public Arbitrator

5/18/17

Signature Date

May 19, 2017
Date of Service (For FINRA Office of Dispute Resolution office use only)