

**Award
NASD Dispute Resolution**

In the Matter of the Arbitration Between:

Names of the Claimants

Emmett and Deborah Lescroart
Emmett Lescroart, IRA

Case Number: 03-05037

Name of the Respondent

Goldman, Sachs and Co., Inc.

Hearing Site: Philadelphia, PA

Nature of the Dispute: Customers vs. Member

REPRESENTATION OF PARTIES

Claimants, Emmett and Deborah Lescroart and Emmett Lescroart, IRA, hereinafter collectively referred to as "Claimants", were represented by Mitchell H. Cobert, Esq., Morristown, New Jersey.

Respondent, Goldman, Sachs and Co., Inc., hereinafter referred to as "Respondent", was represented by Theodore R. Snyder, Esq., Krebsbach & Snyder, New York, New York.

CASE INFORMATION

Statement of Claim filed on July 9, 2003.

Claimant signed the Uniform Submission Agreement on July 11, 2003.

Statement of Answer filed by Respondent on September 23, 2003.

A representative of Respondent signed the Uniform Submission Agreement on September 15, 2003.

CASE SUMMARY

Claimants asserted the following causes of action: misrepresentation, breach of contract, breach of fiduciary responsibility, negligence, unsuitable recommendations, mismanagement, fraudulent practices, and violation of securities laws. The causes of action relate to the investment in equities and options trading.

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim and asserted the following defenses among others: failure to state a claim upon which relief may be granted; estoppel, waiver, ratification and laches; failure to mitigate; and, statutes of limitation.

RELIEF REQUESTED

Claimants requested:

Compensatory Damages	\$5,000,000.00
Punitive Damages	unspecified amount
Interest	unspecified amount
Costs	unspecified amount
Other Monetary	unspecified amount

Respondent requested Claimants' Statement of Claim be dismissed in all respects, and that disbursements and costs be assessed against Claimants.

OTHER ISSUES CONSIDERED AND DECIDED

At the hearing on the merits, Respondent moved to dismiss the matter and for a directed verdict. The Panel denied both motions.

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. Claimants' claims are denied in their entirety;
2. The parties shall bear their respective costs, including attorneys' fees, except as Fees are specifically addressed below; and,
3. Any and all relief not specifically addressed herein, including punitive damages, is denied in its entirety.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Dispute Resolution will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee	= \$600.00
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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, Goldman, Sachs and Co., Inc. is a party.

Member surcharge	= \$2,800.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$5,000.00

Forum Fees and Assessments

The Panel has assessed forum 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:

Two (2) Pre-hearing sessions with Panel @ \$1,200.00 = \$ 2,400.00

Pre-hearing conferences: January 26, 2004 1 session
 May 25, 2004 1 session

Seventeen (17) Hearing sessions @ \$1,200.00 = \$20,400.00

Hearing Dates: September 21, 2004 2 sessions
 September 22, 2004 2 sessions
 September 23, 2004 2 sessions
 December 1, 2004 2 sessions
 December 2, 2004 2 sessions
 December 3, 2004 1 session
 May 17, 2005 2 sessions
 May 18, 2005 2 sessions
 May 19, 2005 2 sessions

Total Forum Fees = \$22,800.00

1. The Panel has jointly and severally assessed \$11,400.00 of the forum fees to Claimants.
2. The Panel has assessed \$11,400.00 of the forum fees to Respondent.

Administrative Costs

Administrative costs are expenses incurred due to a request by a party for special services beyond the normal administrative services. These include, but not limited to, additional copies of arbitrator awards, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

Respondent requested audio transcripts of hearing = \$330.00

Fee Summary

1. Claimants are jointly and severally assessed and shall pay:

Initial Filing Fee	= \$ 600.00
Forum Fees	= \$11,400.00
Total Fees	= \$12,000.00
Less payments	= \$ 1,800.00
Balance Due NASD Dispute Resolution	= \$10,200.00

2. Respondent is assessed and shall pay:


Member Fees	= \$ 8,550.00
Forum Fees	= \$11,400.00
<u>Administrative Costs</u>	<u>= \$ 330.00</u>
Total Fees	= \$20,280.00
<u>Less payments</u>	<u>= \$ 8,880.00</u>
Balance Due NASD Dispute Resolution	= \$11,400.00

All balances are payable to NASD Dispute Resolution and are due upon receipt pursuant to Rule 10330(g) of the Code.

ARBITRATION PANEL

James A. Jennings, Esq.	-	Public Arbitrator, Presiding Chairperson
E. William Pastor, Esq.	-	Public Arbitrator, Panelist
Andrew W. Davitt, Esq.	-	Non-Public Arbitrator, Panelist

Concurring Arbitrators' Signatures


James A. Jennings, Esq.
Public Arbitrator, Presiding Chairperson


Signature Date

E. William Pastor, Esq.
Public Arbitrator, Panelist

Signature Date

Andrew W. Davitt, Esq.
Non-Public Arbitrator, Panelist

Signature Date

June 20, 2005
Date of Service (For NASD Dispute Resolution office use only)

2. Respondent is assessed and shall pay:

Member Fees	= \$ 8,550.00
Forum Fees	= \$11,400.00
Administrative Costs	= \$ 130.00
Total Fees	= \$20,280.00
Less payments	= \$ 8,880.00
Balance Due NASD Dispute Resolution	= \$11,400.00

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Concurring Arbitrators' Signatures

James A. Jennings, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date


E. William Pastor, Esq.
Public Arbitrator, Panelist

6/15/05
Signature Date

Andrew W. Davitt, Esq.
Non-Public Arbitrator, Panelist

Signature Date

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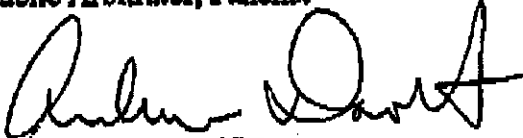
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Signature Date

E. William Pastor, Esq.
Public Arbitrator, Panelist

Signature Date



Andrew W. Davitt, Esq.
Non-Public Arbitrator, Panelist


6-14-5
Signature Date

June 20, 2005

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