

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Stephen J. Ashekian (Claimant) v. Knight Securities, L.P. (Respondent)

Case Number: 04-01460

Hearing Site: New York, New York

Nature of the Dispute: Associated Person vs. Member

REPRESENTATION OF PARTIES

Claimant, Stephen J. Ashekian ("Ashekian") hereinafter referred to as "Claimant": Bruce P. McMoran, Esq. and Douglas S. Bramley, Esq., McMoran O'Connor & Bramley, P.C., Tinton Falls, NJ.

Respondent, Knight Securities, L.P. ("Knight Securities") hereinafter referred to as "Respondent": Adam B. Gilbert, Esq., Nixon Peabody, LLP, New York, NY.

CASE INFORMATION

Statement of Claim filed on or about: March 2, 2004.

Claimant signed the Uniform Submission Agreement: February 13, 2004.

Statement of Answer filed by Respondent on or about: May 24, 2004.

Respondent signed the Uniform Submission Agreement: May 19, 2004.

CASE SUMMARY

Claimant asserted the following causes of action: promissory estoppel, fraud in the inducement, breach of contract, constructive trust, and breach of covenant of good faith and fair dealing.

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

RELIEF REQUESTED

Claimant requested:

Compensatory Damages	\$ 5,391,059.00
Punitive Damages	\$ 3,000,000.00
Attorneys' Fees	Unspecified

Other Costs
Other Monetary

Forum Fees
Other case related costs

OTHER ISSUES CONSIDERED AND DECIDED

At the hearing in this matter, Respondent filed a Motion to Dismiss. The Panel denied the Motion.

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 to Claimant compensatory damages in the amount of \$436,115.00.
2. Respondent is liable for and shall pay to Claimant interest in the amount of \$55,863.00.
3. Any and all relief not specifically addressed herein, including punitive damages, is denied.

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, Knight Securities is a party.

Member surcharge	= \$ 3,350.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$ 5,500.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

March 1-3 and March 7-8, 2005 adjournment requested by Claimant	= \$ 1,200.00
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Forum Fees and Assessments

The Panel has assessed forum 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:

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

Pre-hearing conferences: September 20, 2004 1 session
January 10, 2005 1 session

Number (10) Hearing sessions @ \$1,200.00 = \$12,000.00

Hearing Date(s): June 21, 2005 2 sessions
June 22, 2005 2 sessions
June 23, 2005 2 sessions
June 28, 2005 2 sessions
June 29, 2005 2 sessions

Total Forum Fees = \$14,400.00

1. The Panel has assessed \$7,200.00 of the forum fees to Claimant.
2. The Panel has assessed \$7,200.00 of the forum fees to Respondent.

Fee Summary

1. Claimant is solely liable for:

Initial Filing Fee	= \$ 600.00
Adjournment Fee	= \$ 1,200.00
<u>Forum Fees</u>	<u>= \$ 7,200.00</u>
Total Fees	= \$ 9,000.00
<u>Less payments</u>	<u>= \$ 1,800.00</u>
Balance Due NASD Dispute Resolution	= \$ 7,200.00

2. Respondent is solely liable for:

Member Fees	= \$ 9,600.00
<u>Forum Fees</u>	<u>= \$ 7,200.00</u>
Total Fees	= \$16,800.00
<u>Less payments</u>	<u>= \$ 9,600.00</u>
Balance Due NASD Dispute Resolution	= \$ 7,200.00

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

ARBITRATION PANEL

Alan S. Braunshweiger	-	Non-Public Arbitrator, Presiding Chairperson
James J. Noone	-	Non-Public Arbitrator
William C. Struyk	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

I, the undersigned arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument, which is my award.

Alan S. Braunshweiger ✓
Alan S. Braunshweiger
Non-Public Arbitrator, Presiding Chairperson

Signature Date

James J. Noone
Non-Public Arbitrator

Signature Date

William C. Struyk
Non-Public Arbitrator

Signature Date

JULY 11, 2005
Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL

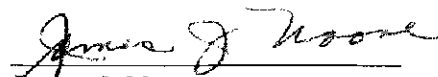
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Non-Public Arbitrator, Presiding Chairperson

Signature Date



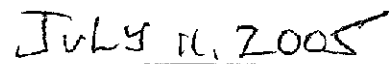
James J. Noone
Non-Public Arbitrator



Signature Date

William C. Struyk
Non-Public Arbitrator

Signature Date



Date of Service (For NASD Dispute Resolution use only)

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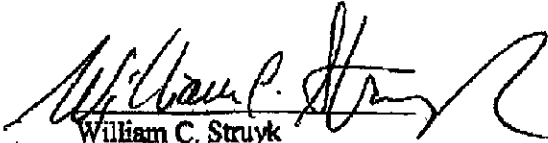
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Alan S. Braunschweiger
Non-Public Arbitrator, Presiding Chairperson

Signature Date

James J. Noone
Non-Public Arbitrator

Signature Date



William C. Struyk
Non-Public Arbitrator



Signature Date

July 11, 2005
Date of Service (For NASD Dispute Resolution use only)