

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Natalka Lazirko Farrell (Claimant) vs. Summit Equities, Inc. (Respondent)

Case Number: 05-01811

Hearing Site: Newark, New Jersey

Nature of the Dispute: Customer vs. Member.

REPRESENTATION OF PARTIES

Claimant Natalka Lazirko Farrell hereinafter referred to as "Claimant": Mitchell H. Cobert, Esq.,
Mitchell H. Cobert, Attorney at Law, Morristown, NJ.

Respondent Summit Equities, Inc. hereinafter referred to as "Respondent": Barry R. Temkin,
Esq., Fiedelman, Garfinkel & Lesman, New York, NY.

CASE INFORMATION

Statement of Claim filed on or about: April 5, 2005.

Claimant signed the Uniform Submission Agreement: April 2, 2005.

Statement of Answer filed by Respondent on or about: June 8, 2005.

Respondent signed the Uniform Submission Agreement: July 5, 2005.

CASE SUMMARY

Claimant asserted the following causes of action: breach of contract, breach of fiduciary duty, negligence, unsuitability, lack of supervision, respondent superior, and vicarious liability. The causes of action relate to unspecified securities.

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 in the amount of \$297,468.00, consequential damages, interest, costs, attorneys' fees, and such other relief as the Panel may deem appropriate.

Respondent requested dismissal of the Claimant's claims in its entirety.

OTHER ISSUES CONSIDERED AND DECIDED

At the hearing Respondent made a Motion to Dismiss Claimant's claims based on a Statute of Limitations defense stating that State and Federal courts adhere to a two-year limitation and the same should apply to the arbitration claim, after due deliberation the panel ruled that the proceedings should continue and the case be heard in its entirety.

After the conclusion of the hearing, Respondent submitted a request that its Central Registration Depository ("CRD") record be expunged.

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. Claimant's claims are denied in their entirety.
2. Respondent's expungement request is denied.
3. Any and all relief not specifically addressed herein, is denied.

FEEES

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	= \$ 300.00
--------------------------	-------------

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, Summit Equities, Inc. is a party.

Member surcharge	= \$ 1,700.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$ 2,750.00

Forum Fees and Assessments

The Panel has assessed forum fees for each session conducted or each decision rendered on a discovery-related motion on the papers. 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:

Four (4) Pre-hearing sessions with a single arbitrator @ \$450.00/session	= \$ 1,800.00
Pre-hearing conferences:	
October 28, 2005	1 session
November 4, 2005	1 session

October 27, 2005 1 session
December 8, 2005 1 session

Two (2) Pre-hearing sessions with Panel @ \$1,125.00/session = \$ 2,250.00

Pre-hearing conferences: July 28, 2005 1 session
November 21, 2005 1 session

Eight (8) Hearing sessions with the Panel @ \$1,125.00/session = \$ 9,000.00

Hearing Dates: December 13, 2005 2 sessions
December 14, 2005 2 sessions
December 15, 2005 2 sessions
December 16, 2005 2 sessions

Total Forum Fees = \$ 13,050.00

1. The Panel has assessed \$6,525.00 of the forum fees to Claimant.
2. The Panel has assessed \$6,525.00 of the forum fees to Respondent.

Fee Summary

1. Claimant is solely liable for:

Initial Filing Fee	= \$ 300.00
<u>Forum Fees</u>	= \$ 6,525.00
Total Fees	= \$ 6,825.00
<u>Less payments</u>	= \$ 1,425.00
Balance Due NASD Dispute Resolution	= \$ 5,400.00

2. Respondent is solely liable for:

Member Fees	= \$ 5,200.00
<u>Forum Fees</u>	= \$ 6,525.00
Total Fees	= \$ 11,725.00
<u>Less payments</u>	= \$ 5,200.00
Balance Due NASD Dispute Resolution	= \$ 6,525.00

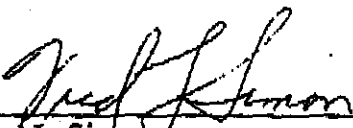
All balances are payable to NASD Dispute Resolution and are due upon receipt pursuant to Rule 10330(g) of the Code.

NASD Dispute Resolution
Arbitration No. 05-01811
Award Page 4 of 4

ARBITRATION PANEL

Fred L. Simon	-	Public Arbitrator, Presiding Chairperson
Marilyn Chin	-	Public Arbitrator
Stuart Rothenstein	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures



Fred L. Simon
Public Arbitrator, Presiding Chairperson




Signature Date

Marilyn Chin
Public Arbitrator

Signature Date

Stuart Rothenstein
Non-Public Arbitrator

Signature Date



Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL

Fred L. Simon	-	Public Arbitrator, Presiding Chairperson
Marilyn Chin	-	Public Arbitrator
Stuart Rothenstein	-	Non-Public Arbitrator

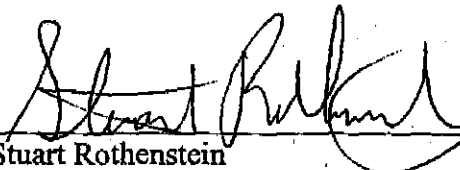
Concurring Arbitrators' Signatures

Fred L. Simon
Public Arbitrator, Presiding Chairperson

Signature Date

Marilyn Chin
Public Arbitrator

Signature Date



Stuart Rothenstein
Non-Public Arbitrator

1-27-06

Signature Date

January 31, 2006
Date of Service (For NASD Dispute Resolution use only)