

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Michael Svoboda (Claimant) vs. Westrock Advisors, Inc. and Gregory Martino (Respondents)

Case Number: 05-02942

Hearing Site: New York, New York

Nature of the Dispute: Customer vs. Member and Associated Person

REPRESENTATION OF PARTIES

Claimant Michael Svoboda hereinafter referred to as "Claimant": Michael Huberman, Esq., Huberman & Associates, Boca Raton, FL.

Respondents Westrock Advisors, Inc. ("Westrock") and Gregory Martino ("Martino") hereinafter collectively referred to as "Respondents": Robert Giacovas, Esq. and Spencer Mazyck, Esq., Lazare Potter Giacovas & Kranjac LLP, New York, NY.

CASE INFORMATION

Statement of Claim filed on or about: June 6, 2005.

Claimant signed the Uniform Submission Agreement: March 26, 2005.

Joint Statement of Answer filed by Respondents on or about: September 2, 2005.

Respondent Westrock did not submit the Uniform Submission Agreement.

Respondent Martino did not submit the Uniform Submission Agreement.

CASE SUMMARY

Claimant asserted the following causes of action: breach of fiduciary duty; negligence; failure to supervise and control; misrepresentations and material statements of omission; violation of federal and state securities laws, NASD rules of fair practice and NYSE rules; and breach of contract. The causes of action relate to margin calls on various stocks.

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

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$300,000.00, interest at the legal rate on all sums recovered, attorney's fees and costs, punitive damages, costs and such other and further relief as this panel deems just and appropriate.

Respondents requested dismissal of the Statement of Claim in its entirety; costs and disbursements; attorneys' fees, interests; expungement of Respondents' CRD records; and such other and further relief as the Panel may deem just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

Respondent Westrock did not file with NASD Dispute Resolution a properly executed Uniform Submission Agreement but is required to submit to arbitration pursuant to the Code and, having answered the claim, and appeared and testified at the hearing, is bound by the determination of the Panel on all issues submitted.

Respondent Martino did not file with NASD Dispute Resolution a properly executed Uniform Submission Agreement but is required to submit to arbitration pursuant to the Code and, having answered the claim, and appeared and testified at the hearing, is bound by the determination of the Panel on all issues submitted.

At the hearing, Claimant renewed his Motion for Sanctions due to Respondents alleged failure to cooperate with discovery. After due deliberation, the Panel determined to deny 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, and the post-hearing submission, 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. 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	= \$ 300.00
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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 event giving rise to the dispute. Accordingly, Westrock Advisors, 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:

Two (2) Pre-hearing sessions with single arbitrator @ \$450.00/session	= \$	900.00
Pre-hearing conferences: March 17, 2006	1 session	
March 30, 2006	1 session	

Two (2) Pre-hearing sessions with Panel @ \$1,125.00/session	= \$	2,250.00
Pre-hearing conferences: November 11, 2005	1 session	
April 28, 2006	1 session	

Eight (8) Hearing sessions with Panel @ \$1,125.00/session	= \$	9,000.00
Hearing Dates: May 1, 2006	2 sessions	
May 2, 2006	2 sessions	
May 3, 2006	2 sessions	
May 4, 2006	2 sessions	

Total Forum Fees	= \$	12,150.00
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1. The Panel has assessed \$6,075.00 of the forum fees to Claimant.
2. The Panel has assessed \$6,075.00 of the forum fees to Respondent Westrock.

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.

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| 1. Respondent Westrock requested duplication of tapes | = \$ | 30.00 |
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Fee Summary

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| 1. Claimant is solely liable for: | |
| Initial Filing Fee | = \$ 300.00 |
| <u>Forum Fees</u> | = \$ 6,075.00 |
| Total Fees | = \$ 6,375.00 |
| <u>Less payments</u> | = \$ 1,425.00 |
| Balance Due NASD Dispute Resolution | = \$ 4,950.00 |
| 2. Respondent Westrock is solely liable for: | |
| Member Fees | = \$ 5,200.00 |
| Administrative Costs | = \$ 30.00 |
| <u>Forum Fees</u> | = \$ 6,075.00 |
| Total Fees | = \$ 11,305.00 |
| <u>Less payments</u> | = \$ 5,200.00 |
| Balance Due NASD Dispute Resolution | = \$ 6,105.00 |

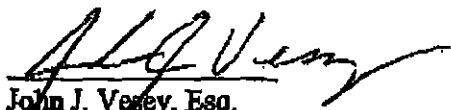
All balances are payable to NASD Dispute Resolution and are due upon receipt pursuant to Rule 10330(g) of the Code.

ARBITRATION PANEL

John J. Vesey, Esq.	-	Public Arbitrator, Presiding Chairperson
Marvin H. Ginsky, Esq.	-	Public Arbitrator
Mark S. Brody	-	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.


John J. Vesey, Esq.
Public Arbitrator, Presiding Chairperson

5/5/06
Signature Date

Marvin H. Ginsky, Esq.
Public Arbitrator

Signature Date

Mark S. Brody
Non-Public Arbitrator

Signature Date

May 15, 2006
Date of Service (For NASD Dispute Resolution use only)

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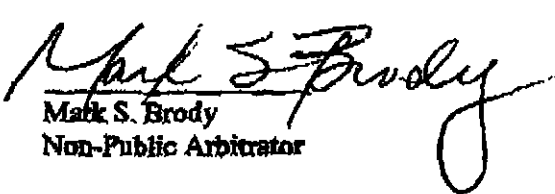
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Public Arbitrator, Presiding Chairperson

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Marvin H. Ginsky, Esq.
Public Arbitrator

Signature Date


Mark S. Brody
Non-Public Arbitrator

5/12/06
Signature Date

May 15, 2006

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