

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Robert Mars (Claimant) vs. John Derek Elwin, Jason Scott Woessner, Stanley Clifton Brooks and Brookstreet Securities Corporation (Respondents)

Case Number: 05-04685

Hearing Site: New York, New York

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

REPRESENTATION OF PARTIES

Claimant Robert Mars hereinafter collectively referred to as "Claimant" appeared *pro se*.

Respondent John Derek Elwin did not enter an appearance in this matter.

Respondents Jason S. Woessner ("Woessner"), Stanley C. Brooks ("Brooks") and Brookstreet Securities Corporation ("Brookstreet") hereinafter referred to as "Respondents": H. Thomas Fehn, Esq., and Gregory Sherwin, Esq., Fields, Fehn & Sherwin, Los Angeles, CA.

CASE INFORMATION

Statement of Claim filed on or about: September 8, 2005.

Response to Statement of Answer filed on or about: November 10, 2005.

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

Respondent John Derek Elwin did not submit a Statement of Answer or Uniform Submission Agreement.

Statement of Answer filed by Respondents on or about: October 28, 2005.

Respondent Woessner signed the Uniform Submission Agreement: September 23, 2005.

Respondent Brooks signed the Uniform Submission Agreement: September 22, 2005.

Respondent Brookstreet signed the Uniform Submission Agreement: September 22, 2005.

CASE SUMMARY

Claimant asserted the following causes of action: unauthorized trading, negligence, failure to supervise, and lack of control. The cause of action relates to DDS Technologies USA stock.

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 \$55,789.41.

Respondents requested the dismissal of the Statement of Claim in its entirety, and an award of costs and reasonable attorneys' fees.

OTHER ISSUES CONSIDERED AND DECIDED

Upon review of the file and the representations made by the Claimant, the undersigned arbitrators (the "Panel") determined that Respondent John Derek Elwin has been properly served with the Statement of Claim and received due notice of the hearing, and that arbitration of the matter would proceed without said Respondent present, in accordance with the NASD Code of Arbitration Procedure (the "Code").

Respondents Brooks, Brookstreet and Woessner did not appear at the hearing but were represented by attorney Gregory Sherwin. Woessner appeared at the hearing as a witness.

At the hearing, Claimant requested costs and interest.

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. Respondents Elwin, Woessner, Brooks and Brookstreet Securities Corporation are jointly and severally liable for and shall pay to Claimant compensatory damages in the amount of \$55,789.41 plus interest at the rate of four percent per annum from December 1, 2004 until December 12, 2006.
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 = \$ 225.00

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firms that employed the associated persons at the time of the events giving rise to the dispute. Accordingly, Brookstreet Securities Corporation is a party.

Member surcharge	= \$1,100.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$1,700.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

July 17-18, 2006 adjournment by Claimant	= Waived
September 18-19, 2006 adjournment by Claimant	= Waived

Three-Day Cancellation Fees

Fees apply when a hearing on the merits is postponed or settled within three business days before the start of a scheduled hearing session:

September 18-19, 2006 adjournment by Claimant	= Waived
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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:

Three (3) Decisions on discovery-related motions on the papers with (1) one arbitrator @ \$200.00	= \$ 600.00
Claimant submitted (two) discovery-related motion	
Respondent submitted (one) discovery-related motion	

One (2) Pre-hearing sessions with Panel @ \$750.00	= \$1,500.00
Pre-hearing conferences: January 9, 2006 1 session	
January 23, 2006 1 session	

Three (3) Hearing sessions @ \$750.00 per session	= \$2,250.00
Hearing Dates: December 11, 2006 2 sessions	
December 12, 2006 1 session	

Total Forum Fees	= \$4,350.00
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1. The Panel has assessed \$2,175.00 of the forum fees to Claimant.
2. The Panel has assessed \$2,175.00 of the forum fees jointly and severally to Respondents Elwin, Woessner, Brooks and Brookstreet Securities Corporation.

Fee Summary

1. Claimant is solely liable for:

Initial Filing Fee	= \$ 225.00
Forum Fees	= \$2,175.00
Total Fees	= \$2,400.00
Less payments	= \$ 975.00
Balance Due NASD Dispute Resolution	= \$1,425.00

2. Respondent Brookstreet is solely liable for:

Member Fees	= \$3,550.00
Total Fees	= \$3,550.00
Less payments	= \$3,550.00
Balance Due NASD Dispute Resolution	= \$ 0.00

3. Respondents Elwin, Woessner, Brooks and Brookstreet jointly and severally liable for:

Forum Fees	= \$2,175.00
Total Fees	= \$2,175.00
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$2,175.00

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

ARBITRATION PANEL

Arthur H. Stampleman	-	Public Arbitrator, Presiding Chairperson
Michael E. Scott, Esq.	-	Public Arbitrator
John Nino Brenkovich	-	Non-Public Arbitrator

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.

Concurring Arbitrators' Signatures

AH Stampleman
Arthur H. Stampleman
Public Arbitrator, Presiding Chairperson

12/12/06
Signature Date

Michael E. Scott, Esq.
Public Arbitrator

Signature Date

John Nino Brenkovich
Non-Public Arbitrator

Signature Date

December 14, 2006
Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL


Arthur H. Stampleman	-	Public Arbitrator, Presiding Chairperson
Michael E. Scott, Esq.	-	Public Arbitrator
John Nino Brenkovich	-	Non-Public Arbitrator

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.

Concurring Arbitrators' Signatures

Arthur H. Stampleman
Public Arbitrator, Presiding Chairperson

Signature Date



Michael E. Scott, Esq.
Public Arbitrator

12/28/06

Signature Date

John Nino Brenkovich
Non-Public Arbitrator

Signature Date

Date of Service (For NASD Dispute Resolution use only)

ARBITRATION PANEL

Arthur H. Stampleman	-	Public Arbitrator, Presiding Chairperson
Michael E. Scott, Esq.	-	Public Arbitrator
John Nino Brenkovich	-	Non-Public Arbitrator

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.

Concurring Arbitrators' Signatures

Arthur H. Stampleman
Public Arbitrator, Presiding Chairperson

Signature Date

Michael E. Scott, Esq.
Public Arbitrator

Signature Date



John Nino Brenkovich
Non-Public Arbitrator

December 13, 2006

Signature Date

December 14, 2006

Date of Service (For NASD Dispute Resolution use only)