

AWARD

NASD Regulation, Inc.

In the Matter of the Arbitration Between

Name of Claimant

Barbara K. Lynch

and

98-00731

Name of Respondents

Meyers Pollock Robbins, Inc.,

Michael Ploshnick,

Harry Scott Barbers,

Bruce Harvey Barbers

REPRESENTATION OF PARTIES

Barbara K. Lynch ("Claimant") appeared on her own behalf.

Meyers Pollock Robbins, Inc. ("MPR") was not represented and failed to appear in this arbitration.

Michael Ploshnick ("Ploshnick") was not represented and failed to appear in this arbitration.

Harry Scott Barbers ("H. Barbers") was not represented and failed to appear in this arbitration.

Bruce Harvey Barbers ("B. Barbers") was not represented and failed to appear in this arbitration.

CASE INFORMATION

Claimant filed the Statement of Claim on or about February 23, 1998, and signed the Submission Agreement on February 23, 1998.

Respondents MPR, Ploshnick, H. Barbers, and B. Barbers (jointly referred to as "Respondents") did not file an Answer. Respondents did not file Submission Agreements.

HEARING INFORMATION

The Arbitration Panel held a hearing on January 12, 1999 in St. Louis, Missouri for a total of one (1) session.

CASE SUMMARY

Claimant alleged that On July 8, 1996, MPR acting through Ploshnick, B. Barbers, and H. Barbers made material misrepresentations or omissions of fact in the sale of debt securities issued by Northstar Leasing Company LLC. Claimant further alleged that Respondents' acts and practices contravened the Securities and Exchange Act Section 10(b) and Rule 10b-5. Claimants also alleged that Respondents acts and practices constituted distinct violations of NASD Conduct Rules 2110 and 2120.

RELIEF REQUESTED

Claimant requested an award in the amount of \$50,118.06 plus interest from the date of purchase, at the rate of 11.5% per annum, as prescribed on the Northstar notes, and punitive damages.

OTHER ISSUES CONSIDERED & DECIDED

Upon review of the file and the representations made by/on behalf of the Claimant, the undersigned arbitrators have determined that Respondents were properly served with the Statement of Claim pursuant to Rules 10302 and 10314 of the NASD Code of Arbitration Procedure (the "Code"). The undersigned arbitrators have also determined that Respondents received due notice of the hearing as required under Rule 10315 of the Code and that arbitration of the matter would proceed pursuant to Rule 10318 of the Code.

Claimant filed a Motion to Bar based on Respondents' failure to respond to the Statement of Claim. Respondents failed to respond to the motion, and failed to respond to a request for a response sent by NASD Regulation, Inc. Dispute Resolution. The arbitrators declined to grant the motion because Respondents failed to appear at the hearing.

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. In either case, the parties have agreed to receive conformed copies of the award while the original(s) remain on file with NASD Regulation, Inc. Office of Dispute Resolution.

AWARD

After considering the pleadings, the testimony, and the evidence presented at the hearing and the post-hearing submissions, the undersigned arbitrators have decided in full and final resolution of the issues submitted for determination as follows:

Respondents are jointly and severally liable for, and shall pay to Claimant Barbara K. Lynch, the following: Compensatory damages of \$50,118; costs of filing this arbitration of \$650; interest of \$15,408; and punitive damages of \$50,118. The parties did not present any authority for or against the award of punitive damages.

DISCIPLINARY REFERRAL

NASD Regulation, Inc.

In the Matter of the Arbitration Between

Name of Claimant

Barbara K. Lynch

and

98-00731

Name of Respondents

Meyers Pollock Robbins, Inc.,

Michael Ploshnick,

Harry Scott Barbers,

Bruce Harvey Barbers

After giving consideration to the pleadings, the evidence, and the testimony of the Claimant, the arbitrators are submitting this matter for disciplinary review. The arbitrators determined that the Respondents used the U.S. Mail and Telephone to defraud Claimant representing that the Northstar Leasing Company LLC Notes were insured. The arbitrators have also determined that Respondents failed to pass information regarding the Notes held in street name to Claimants.

Concurring Arbitrators' Signatures

Dated:

Anthony J. Soukenik

Public Arbitrator, Presiding Chair

Rose Ann Feldman

Public Arbitrator



Donald A. Estell
Industry Arbitrator

January 25, 1999

DISCIPLINARY REFERRAL

NASD Regulation, Inc.

In the Matter of the Arbitration Between

Name of Claimant

Barbara K. Lynch

and

98-00731

Name of Respondents

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Michael Plosnick,

Harry Scott Barbers,

Bruce Harvey Barbers

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Concurring Arbitrators' Signatures

Dated:



Anthony J. Soukenik
Public Arbitrator, Presiding Chair

1/29/99

Rose Ann Feldman
Public Arbitrator

Donald A. Estell
Industry Arbitrator

DISCIPLINARY REFERRAL

NASD Regulation, Inc.

In the Matter of the Arbitration Between

Name of Claimant

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and

98-00731

Name of Respondents

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Michael Ploshnick,

Harry Scott Barbers,

Bruce Harvey Barbers

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Concurring Arbitrators' Signatures

Dated:

Anthony J. Soukenik
Public Arbitrator, Presiding Chair



Rose Ann Feldman
Public Arbitrator

1/29/99

Donald A. Estell
Industry Arbitrator

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between:
Barbara K. Lynch, (Claimant) vs. Harry Scott Barbers (Respondent).

Case Number:
98-00731

Hearing Site:
St. Louis Missouri

REPRESENTATION OF PARTIES

Barbara K. Lynch hereinafter referred to as "Claimant": Represented herself Benton IL.

Harry Scott Barbers hereinafter referred to as "Respondent": Represented himself, Summit, NJ.

CASE INFORMATION

Statement of Claim filed on or about: February 23, 1998
Claimant signed the Uniform Submission Agreement: February 23, 1998
Statement of Answer filed by Respondent on or about: January 29, 1999.
Respondent signed the Uniform Submission Agreement: March 31, 2000

CASE SUMMARY

Claimant asserted the following causes of action:

1. Violation of the securities Exchange Act 10 (b) & 10 (b) 5 in connection with the sale of Northstar Leasing Company LLC 11.5% secured notes.
2. Failure to supervise employees.
3. Failure to notify Claimant of material facts regarding the risks of the transactions in issue.
4. Intentional and negligent misrepresentation of material facts upon which Respondent intended claimant to rely and which Claimant in fact did rely, thus causing damages to Claimant.

Unless specifically admitted in its Answer, Respondent, Harry Scott Barbers denied the allegations made in the Statement of Claim and asserted the following defenses:

1. Claimant is not entitled to the relief requested.
2. Claimant failed to state a claim upon which relief can be granted.

RELIEF REQUESTED

Claimant requested:

Compensatory Damages	\$ 50,118.06
Punitive Damages	\$ Unspecified
Interest	\$ Unspecified
Other Costs	\$ 650.00

OTHER ISSUES CONSIDERED AND DECIDED

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. This case was originally heard on January 12, 1999 in St. Louis, Missouri by the same Panel. A motion to vacate the award was filed by Respondent Harry Scott Barbers based upon insufficient service and notice of the arbitration. The Court granted the motion after claimants response date had passed. This case was reopened as to Harry Scott Barbers and Claimant Barbara Lynch only.

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:

In favor of the Claimant and against the Respondent. The amount awarded to Claimant in Compensatory damages is \$15,000.00

Any and all relief not specifically addressed herein, including punitive damages is denied.

FEEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

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

Initial claim filing fee = \$150.00

Forum Fees and Assessments

The Arbitration Panel assesses forum fees for each hearing session conducted. A hearing 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:

One (2) Pre-hearing session with Panel x \$500.00	= \$ 500
Pre-hearing conference July 14, 2000 1 session	

Two (3) Hearing sessions x \$500			
Hearing date	January 12, 1999	1 session	=\$500
Hearing Dates:	September 11, 2000	2 sessions	=\$1000

Total Forum Fees = \$2000

1. The Arbitration Panel has assessed \$1000 of the forum fees to Claimant.
2. The Arbitration Panel has assessed \$1000 of the forum fees to Respondent.

Fee Summary

- 1. Claimant be and hereby is solely liable for:**

Initial Filing Fee	= \$ 150
Forum Fees	= \$ 1000
Total Fees	= \$ 1150
Less payments	= \$ 650
Balance Due NASD Dispute Resolution, Inc.	= \$ 500

- 2. Respondent, be and hereby is solely liable for:**

NASD Dispute Resolution, Inc.

98-00731

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<u>Forum Fees</u>	= \$ 1000
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<u>Total Fees</u>	= \$ 1000
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<u>Less payments</u>	= \$ 0
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<u>Balance Due NASD Dispute Resolution, Inc.</u>	= \$ 1000
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All balances are due to NASD Dispute Resolution, Inc.

Concurring Arbitrators' Signature(s)

Anthony Soukenick, Esq.
Presiding Chair

Signature Date

Donald Estell
Industry Arbitrator

Signature Date

Roseanne Feldman
Public Arbitrator

Signature Date

Date of Service (For NASD Dispute Resolution, Inc. office use only)

NASD Dispute Resolution, Inc.
98-00731
4 of 4

<u>Forum Fees</u>	= \$ 1000
<u>Total Fees</u>	= \$ 1000
<u>Less payments</u>	= \$ 0
<u>Balance Due NASD Dispute Resolution, Inc.</u>	= \$ 1000

All balances are due to NASD Dispute Resolution, Inc.


Concurring Arbitrators' Signature(s)

Anthony Soukenick, Esq.
Presiding Chair

Signature Date

Donald Estall
Industry Arbitrator

Signature Date



Rosalyn Feldman
Public Arbitrator
Rosalyn Feldman

12/19/00

Signature Date

Date of Service (For NASD Dispute Resolution, Inc. office use only)

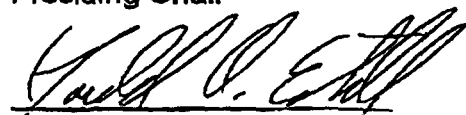
NASD Dispute Resolution, Inc.
98-00731
4 of 4

<u>Forum Fees</u>	= \$ 1000
<u>Total Fees</u>	= \$ 1000
<u>Less payments</u>	= \$ 0
<u>Balance Due NASD Dispute Resolution, Inc.</u>	= \$ 1000

All balances are due to NASD Dispute Resolution, Inc.

Concurring Arbitrators' Signature(s)

Anthony Soukenick, Esq.
Presiding Chair



Donald Estell
Industry Arbitrator

Signature Date

12/18/2000
Signature Date

Roseanne Feldman
Public Arbitrator

Signature Date

Date of Service (For NASD Dispute Resolution, Inc. office use only)

NASD Dispute Resolution, Inc.
98-00731
4 of 4

<u>Forum Fees</u>	= \$ 1000
<u>Total Fees</u>	= \$ 1000
<u>Less payments</u>	= \$ 0
<u>Balance Due NASD Dispute Resolution, Inc.</u>	= \$ 1000

All balances are due to NASD Dispute Resolution, Inc.

Concurring Arbitrators' Signature(s)



Anthony Soukenick, Esq.
Presiding Chair

12/19/00

Signature Date

Donald Estell
Industry Arbitrator

Signature Date

Roseanne Feldman
Public Arbitrator

Signature Date

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