

Award
NASD Regulation, Inc.

In the Matter of the Arbitration Between

JA Trading Ltd., The Irish News Ltd. (Claimants) vs. Meyers Pollock Robbins, Inc.
Michael Ploshnick, Shelli Ploshnick, Sameh E. Sharabi (Respondents)

Case No. 99-02384

Hearing Site: New York, New York

REPRESENTATION OF PARTIES

Claimants, JA Trading Ltd. and The Irish New Ltd., hereinafter collectively referred to as "Claimants": Richard S. Missan, Esq. from the law offices of Richard S. Missan and Steven B. Caruso, Esq. from the law firm of Maddox Koeller Hargett & Caruso, both located in New York, New York.

Respondents, Meyers Pollock Robbins, Inc. ("Meyers Pollock") and Michael Ploshnick ("M. Ploshnick"), hereinafter collectively referred to as "Respondents": Michael Pollock located in Boca Raton, Florida.

Respondent, Shelli Ploshnick (S. Ploshnick), appeared pro se.

Respondent, Sameh E. Sharabi ("Sharabi"): Michael Uilla, Esq., from the law firm of Mure & Carone, P.C. located in Brooklyn, New York (until April 12, 2000).

CASE INFORMATION

Statement of Claim filed on or about: May 15, 1999.

Claimants, JA Trading and The Irish News, signed the Uniform Submission Agreement: May 15, 1999.

Claimants, JA Trading and The Irish News, filed Opposition to Motion to Dismiss on or about September 9, 1999.

Respondent, Meyers Pollock, did not file an answer or signed Submission Agreement.

Statement of Answer filed by Respondent, M. Ploshnick, on or about: July 6, 1999.

Respondent, M. Ploshnick, signed the Uniform Submission Agreement: July 6, 1999.

Statement of Answer filed by Respondent, S. Ploshnick, on or about: July 20, 1999.

Respondent, S. Ploshnick, signed the Uniform Submission Agreement: July 5, 1999.

Statement of Answer and Motion to Dismiss filed by Respondent, Sharabi, on or about: August 25, 1999.

Respondent, Sharabi, did not sign the Uniform Submission Agreement.

CASE SUMMARY

Claimants asserted the following causes of action: Violation of Section 10(b), 20(A) and Rule 10b-5 of the Securities Exchange Act of 1934; common law fraud, negligence, breach of contract, breach of fiduciary duty and respondeat superior; and, violation of NASD Conduct Rules 2110, 2120, 2310 and 3010.

Unless specifically admitted in their Answer, Respondents, M. Ploshnick, S. Ploshnick and Sharabi, denied the allegations made in the Statement of Claim and asserted the following defenses: the claim fails to state a claim against Ploshnick upon which relief can be granted; Claimants were fully aware of and assumed the risk of loss inherent the investments which they authorized and transacted; Claimants failed to exercise due care and diligence; Claimants failed to mitigate their alleged damages; the damages allegedly sustained by Claimants were avoidable by them; claimants' alleged losses were caused by third parties over whom Ploshnick did not exercise control and Ploshnick was not a proximate cause of Claimants' alleged losses; Claimants' claim against M. Ploshnick is frivolous and baseless. right to any recovery sought in the Statement of Claim; and Claimant's claims are barred by all applicable statutes of limitations. Respondent Sharabi also asserted the affirmative defense that Claimants ratified the trading; and, that he did not have a fiduciary relationship with Claimants.

RELIEF REQUESTED

Claimants requested:

Compensatory Damages	\$215,211.00
Punitive Damages	
Lost Interest	
Lost Appreciation	
Interest	
Attorneys' Fees	
Other Costs	
Reimbursement of Filing Fee and Hearing	\$ 1,425.00
Session Deposit	

Respondents M. Ploshnick, S. Ploshnick and Sharabi, requested dismissal of the Statement of Claim.

OTHER ISSUES CONSIDERED AND DECIDED

Upon review of the file and the representations made on behalf of the Claimants, the undersigned arbitrators (the "Panel") determined that Respondents, Meyers Pollock and Sharabi, have 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 Respondents present, in accordance with the NASD Code of Arbitration Procedure (the "Code").

Respondents, Meyers Pollock and Sharabi, did not file with the NASD Regulation, Inc. Office of Dispute Resolution properly executed submissions to arbitration but are required to submit to arbitration pursuant to the Code and are bound by the determination of the Panel on all issues submitted. Respondent Sharabi filed a Statement of Answer and was represented by an attorney until April 12, 2000.

The parties present at the hearing have agreed that the Award in this matter may be executed

in counterpart copies or that a handwritten, signed Award may be entered.

The Panel denied Respondent Sharabi's Motion to Dismiss.

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, Meyers Pollock Robbins, Inc., Michael Ploshnick and Sameh E. Sharabi, are jointly and severally liable and shall pay Claimant \$215,211.00.
2. Respondents, Meyers Pollock Robbins, Inc., Michael Ploshnick and Sameh E. Sharabi, are jointly and severally liable and shall pay Claimants \$18,562.00 in interest at a rate of 9% from May 15, 1999 to May 2, 2000.
3. All claims against Respondent S. Ploshnick are dismissed.
4. The claims for punitive damages, attorneys fees and costs are denied.
5. Any and all relief not specifically addressed herein is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

NASD Regulation, Inc. will retain or collect the non-refundable filing fees for each claim:
Initial claim filing fee = \$300.00

Forum Fees and Assessments

The Panel assesses forum fees for each hearing session conducted. A hearing 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 x \$1,125.00	= \$2,250.00
Pre-hearing conference: December 22, 1999 1 session	
January 18, 2000 1 session	
Three (3) Hearing sessions x \$1,125.00	= \$3,375.00
Hearing Dates: May 1, 200 2 sessions	
May 2, 2000 1 session	
Total Forum Fees	= \$5,625.00

The Panel has assessed \$5,625.00 of the forum fees jointly and severally to Meyers Pollock, M. Ploshnick and Sharabi.

Fee Summary

Claimants, JA Trading Ltd. and The Irish News Ltd., be and hereby are solely liable for:


<u>Initial Filing Fee</u>	= \$300.00
<u>Total Fees</u>	= \$300.00
<u>Less payments</u>	= \$1,425.00
<u>Refund Due Claimants</u>	= \$1,125.00

Respondents, Meyers Pollock, M. Ploshnick and Sharabi, be and hereby are jointly and severally liable for:

<u>Forum Fees</u>	= \$5,625.00
<u>Total Fees</u>	= \$5,625.00
<u>Less payments</u>	= \$ 0.00
<u>Balance Due NASD Regulation, Inc.</u>	= \$5,625.00


All balances are due and payable to NASD Regulation, Inc.

Concurring Arbitrators' Signatures


Arthur L. Tepper, Esq.
Public Arbitrator, Presiding Chair

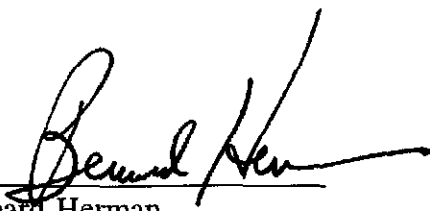
MAY 24, 2000
Signature Date

I, Arthur L. Tepper, Esq., 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.


Arthur L. Tepper, Esq.

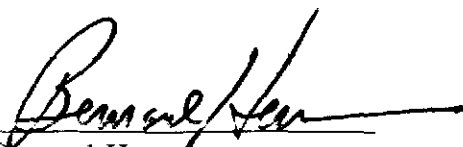
May 31, 2000

Date of Service (For NASD office use only)


Bernard Herman
Public Arbitrator

May 24, 2000
Signature Date

I, Bernard Herman, 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.


Bernard Herman

Robert Manfredo
Industry Arbitrator

Signature Date

I, Robert Manfredo, 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.

Robert Manfredo

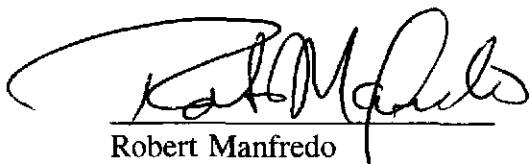
May 31, 2000
Date of Service (For NASD office use only)

Bernard Herman
Public Arbitrator

Signature Date

I, Bernard Herman, 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.

Bernard Herman


Robert Manfred
Industry Arbitrator

5/22/2000
Signature Date

I, Robert Manfred, 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.


Robert Manfred

May 31, 2000
Date of Service (For NASD office use only)