

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Thomas Devane

Case Number: 18-02273

vs.

Respondents
Rosenblatt Securities, Inc.
Rossoff & Co. LLC
Joseph Gawronski
Vikas Shah
Edwin John McGuinn

Hearing Site: New York, New York

Awards are rendered by independent arbitrators who are chosen by the parties to issue final, binding decisions. FINRA makes available an arbitration forum—pursuant to rules approved by the SEC—but has no part in deciding the award.

Nature of the Dispute: Associated Person vs. Members and Associated Persons

The evidentiary hearing was conducted by videoconference.

REPRESENTATION OF PARTIES

For Claimant Thomas Devane: James W. Halter, Esq., Rasco Klock Perez & Nieto, LLC, New York, New York.

For Respondents Rosenblatt Securities Inc., Joseph Gawronski, and Vikas Shah: Andrew J. Goodman, Esq., Garvey Schubert Barer, P.C., New York, New York.

For Respondent Rossoff & Co. LLC: Kate E. DiGeronimo, Esq., Mound Cotton Wollan & Greengrass LLP, New York, New York.

For Respondent Edwin John McGuinn: Richard F. Lawler, Esq., Whitman Breed Abbott & Morgan LLC, Greenwich, Connecticut.

CASE INFORMATION

Statement of Claim filed on or about: June 19, 2018.

Amended Statement of Claim filed on or about: August 17, 2018.

Thomas Devane signed the Submission Agreement: June 19, 2018.

Statement of Answer and Cross-Claim filed by Respondents Rosenblatt Securities Inc., Joseph Gawronski, and Vikas Shah on or about: August 10, 2018.

Statement of Answer to the Amended Statement of Claim and Cross-Claim filed by Respondents Rosenblatt Securities Inc., Joseph Gawronski, and Vikas Shah on or about: September 17, 2018.

Rosenblatt Securities Inc. signed the Submission Agreement: August 9, 2018.

Joseph Gawronski signed the Submission Agreement: August 9, 2018.

Vikas Shah signed the Submission Agreement: August 9, 2018.

Statement of Answer filed by Respondent Rossoff & Co. LLC on or about: July 13, 2018.

Statement of Answer to the Amended Statement of Claim and the Cross-Claim filed by Respondent Rossoff & Co. LLC on or about: September 6, 2018.

Rossoff & Co. LLC signed the Submission Agreement: September 5, 2018.

Edwin John McGuinn did not file a Statement of Answer or sign the Submission Agreement.

CASE SUMMARY

In the Amended Statement of Claim, Claimant asserted the following causes of action: breach of contract, promissory estoppel, fraudulent and negligent representation/omission, negligence, and unjust enrichment.

Unless specifically admitted in the Statement of Answer to the Amended Statement of Claim and Cross-Claim, Respondents Rosenblatt Securities Inc., Joseph Gawronski, and Vikas Shah denied the allegations made in the Amended Statement of Claim, asserted various defenses, and asserted the following cause of action in the Cross-Claim: indemnification.

Unless specifically admitted in the Statement of Answer to the Amended Statement of Claim and the Cross-Claim, Respondent Rossoff & Co. LLC denied the allegations made in the Amended Statement of Claim and Cross-Claim and asserted various affirmative defenses.

RELIEF REQUESTED

In the Amended Statement of Claim, Claimant requested an award jointly and severally against all Respondents that includes the following: at least \$337,500.00 in compensatory damages—adjusted to reflect the increased value of the warrants—reflecting the fee Respondents led Claimant to believe he would earn for the work he performed; pre- and post-judgment interest of 9% per annum; an assessment of all forum fees against Respondents; and such other and further relief as the Panel deems just and appropriate.

In the Statement of Answer to the Amended Statement of Claim and Cross-Claim, Respondents Rosenblatt Securities Inc., Joseph Gawronski, and Vikas Shah requested an award: dismissing Claimant's claim in its entirety and with prejudice; requiring Claimant to bear all forum fees and costs in their entirety; in the event that an award is entered against Rosenblatt Securities Inc., Joseph Gawronski, and Vikas Shah, an award over against Respondents Rossoff & Co. LLC and Edwin McGuinn for the full amount of such award and requiring Rossoff & Co. LLC and Edwin McGuinn pay all the forum fees and costs in this matter; and for such other, further, and different relief as to the Panel deems just and proper.

In the Statement of Answer to the Amended Statement of Claim and the Cross-Claim, Respondent Rossoff & Co. LLC requested that the Amended Statement of Claim, and the Cross-Claim be denied in their entirety.

OTHER ISSUES CONSIDERED AND DECIDED

The Arbitrators acknowledge that they have each read the pleadings and other materials filed by the parties.

On or about November 5, 2018, counsel for Respondent Edwin John McGuinn notified FINRA Dispute Resolution Services that Respondent Edwin John McGuinn became deceased on October 31, 2018. Accordingly, Respondent Edwin John McGuinn was removed as party in this matter.

AWARD

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

1. Respondent Rosenblatt Securities Inc. is liable for and shall pay to Claimant the sum of \$24,687.50 in compensatory damages.
2. Respondent Rosenblatt Securities Inc. is liable for and shall pay to Claimant interest on the above-stated sum at the rate of 9% per annum, in accordance with New York Civil Practice Law and Rules, Section 5004, from May 27, 2016 through and including July 15, 2021.
3. Claimant's claims against Respondents Rosoff & Co. LLC, Joseph Gawronski, and Vikas Shah are denied.
4. Rosenblatt Securities Inc., Joseph Gawronski, and Vikas Shah's Cross-Claim is denied.
5. Any and all claims for relief not specifically addressed herein are denied.

FEES

Pursuant to the Code of Arbitration Procedure ("Code"), the following fees are assessed:

Filing Fees

FINRA Dispute Resolution Services assessed a filing fee* for each claim:

Initial Claim Filing Fee	= \$	1,425.00
Cross Claim Filing Fee	= \$	2,125.00

**The filing fee is made up of a non-refundable and a refundable portion.*

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, as parties, Respondents Rosenblatt Securities, Inc. and Rossoff & Co. LLC are each assessed the following:

Member Surcharge	= \$	1,900.00
Member Process Fee	= \$	3,750.00

Postponement Fees

Postponements granted during these proceedings for which fees were assessed or waived:

June 8-9, 2021, postponement requested by Respondents Rosenblatt Securities Inc., Joseph Gawronski, and Vikas Shah	= \$	1,125.00
July 14, 2021, postponement requested by the Parties	= \$	1,125.00
<hr/>		
Total Postponement Fees	= \$	2,250.00

The Panel has assessed the total postponement fees to Respondent Rosenblatt Securities Inc.

Last-Minute Cancellation Fees

Fees apply when a hearing on the merits is cancelled within ten calendar days before the start of a scheduled hearing session:

July 14, 2021, cancellation requested by the Parties	= \$	1,800.00
<hr/>		
Total Last-Minute Cancellation Fees	= \$	1,800.00

The Panel has assessed the total last-minute cancellation fees to Respondent Rosenblatt Securities Inc.

Hearing Session Fees and Assessments

The Panel has assessed hearing session fees for each session conducted. A session is any meeting between the parties and the Arbitrators, including a pre-hearing conference with the Arbitrators, which lasts four (4) hours or less. Fees associated with these proceedings are:

Nine (9) pre-hearing sessions with the Panel @ \$1,125.00/session	= \$	10,125.00
Pre-Hearing Conferences:		
November 13, 2018	1 session	
June 17, 2019	1 session	
September 11, 2019	1 session	
January 13, 2020	1 session	
May 12, 2020	1 session	
December 16, 2020	1 session	
January 19, 2021	1 session	
April 13, 2021	1 session	
June 2, 2021	1 session	
<hr/>		
Thirteen (13) hearing sessions @ \$1,125.00/session	= \$	14,625.00
Hearings:		
April 26, 2021	2 sessions	
April 27, 2021	2 sessions	
April 28, 2021	2 sessions	
April 29, 2021	2 sessions	

April 30, 2021	2 sessions
July 13, 2020	2 sessions
July 15, 2021	1 session

Total Hearing Session Fees = \$ 24,750.00

The Panel has assessed \$6,187.50 of the hearing session fees to Claimant.

The Panel has assessed \$18,562.50 of the hearing session fees to Respondent Rosenblatt Securities Inc.

All balances are payable to FINRA Dispute Resolution Services and are due upon receipt.

ARBITRATION PANEL

Terrance J. Nolan	-	Public Arbitrator, Presiding Chairperson
Clive I. Morricks	-	Public Arbitrator
Keith Roberts	-	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

Terrance J. Nolan

Terrance J. Nolan
Public Arbitrator, Presiding Chairperson

08/06/2021

Signature Date

Clive I. Morricks

Clive I. Morricks
Public Arbitrator

08/06/2021

Signature Date

Keith Roberts

Keith Roberts
Non-Public Arbitrator

08/05/2021

Signature Date

Awards are rendered by independent arbitrators who are chosen by the parties to issue final, binding decisions. FINRA makes available an arbitration forum—pursuant to rules approved by the SEC—but has no part in deciding the award.

August 10, 2021

Date of Service (For FINRA Dispute Resolution Services use only)