

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Linda Moffett Stack

Case Number: 19-00637

vs.

Respondent
NewBridge Securities Corporation

Hearing Site: Boca Raton, Florida

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: Customer vs. Member

This case was decided by an all-public panel.

The evidentiary hearing was conducted by videoconference.

REPRESENTATION OF PARTIES

For Claimant Linda Moffett Stack: Kristian Kraszewski, Esq., Kyros Law, Miami, Florida.

For Respondent NewBridge Securities Corporation: Gregg J. Breitbart, Esq., Kaufman Dolowich & Voluck LLP, Fort Lauderdale, Florida.

*FINRA recorded the appearance of Claimant's counsel at the time of filing of the Statement of Claim. Counsel's representation of Claimant may have ended with the parties' settlement. Please see the Other Issues Considered and Decided section of this Award for information on whether Claimant's counsel appeared at the expungement hearing.

CASE INFORMATION

Statement of Claim filed on or about: March 2, 2019.

Linda Moffett Stack signed the Submission Agreement: March 2, 2019.

Statement of Answer filed by Respondent on or about: May 9, 2019.

NewBridge Securities Corporation signed the Submission Agreement: May 9, 2019.

CASE SUMMARY

In the Statement of Claim, Claimant asserted the following causes of action: breach of fiduciary duty; violation of FINRA rules, breach of contract and negligence; and negligent supervision. The causes of action relate to Claimant's investments in several mutual funds and two (2)

alternative investments, Lodging Opportunity Fund Real Estate Investment Trust (“Lodging REIT”) and GPB Capital Holdings (“GPB”).

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

RELIEF REQUESTED

In the Statement of Claim, Claimant requested: actual damages of no less than \$150,000.00, as well as damages for the loss of income that would have been received had Claimant’s money been managed properly, as well as all other losses, foreseeable or not, that Claimant suffered, including non-pecuniary losses; disgorgement and return of all fees, management charges, and commissions; interest on Claimant’s losses at the legal rate; costs, fees, and expenses; rescission and/or statutory damages; and such other and additional damages and relief which the Panel deemed just and equitable.

In the Statement of Answer, Respondent requested that the Panel enter an award dismissing the claims against it and recommend that any reference to the above-captioned arbitration be expunged from Unnamed Party Peter Lewis Goffin’s (“Goffin”) public and non-public records maintained by the Central Registration Depository (“CRD”), in accordance with applicable rules and procedures.

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 August 18, 2021, Claimant filed with FINRA Dispute Resolution Services a notice of settlement. Therefore, the Panel made no determination with respect to any of the relief requests contained in the Statement of Claim.

On or about September 17, 2021, Respondent filed a Motion for Expungement on behalf of Unnamed Party Goffin, to which no response was filed.

On or about October 28, 2021, Respondent advised that Claimant’s counsel in Occurrence Number 2023581 was served with a copy of the Statement of Claim, notice of the date and time of the expungement hearing and of Claimant’s right to participate therein.

The Panel conducted a recorded hearing by videoconference on November 11, 2021, so the parties could present oral argument and evidence on Respondent’s request for expungement on behalf of Unnamed Party Goffin.

Claimant did not participate in the expungement hearing. The Panel found that Claimant had notice of the expungement request and hearing.

The Panel reviewed the BrokerCheck® Report for Unnamed Party Goffin. The Panel noted that a prior arbitration panel or court has not previously ruled on expungement of the same occurrence in the CRD.

The Panel also reviewed the settlement documentation related to the above-captioned arbitration (Occurrence Number 2023581), considered the amount of payment made to any party to the settlement, and considered other relevant terms and conditions of the settlement. The Panel noted that the settlement was not conditioned on any party to the settlement not opposing the request for expungement and that Unnamed Party Goffin did not contribute to the settlement amount.

In recommending expungement, the Panel relied upon the following documentary or other evidence: pleadings; exhibits; and the sworn testimony of Unnamed Party Goffin.

The Award in this matter may be executed in counterpart copies.

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. The Panel recommends the expungement of all references to the above-captioned arbitration (Occurrence Number 2023581) from registration records maintained by the CRD for Unnamed Party Goffin (CRD Number 1617710) with the understanding that, pursuant to Notice to Members 04-16, Unnamed Party Goffin must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

Unless specifically waived in writing by FINRA, parties seeking judicial confirmation of an arbitration award containing expungement relief must name FINRA as an additional party and serve FINRA with all appropriate documents.

Pursuant to Rule 12805 of the Code of Arbitration Procedure (“Code”), the Panel has made the following Rule 2080 affirmative findings of fact:

The claim, allegation, or information is factually impossible or clearly erroneous.

The claim, allegation, or information is false.

The Panel has made the above Rule 2080 findings based on the following reasons:

Evidence was presented that Unnamed Party Goffin provided guidance consistent with the goals and objectives of Claimant and that there was no misconduct. The evidence shows that Unnamed Party Goffin provided Claimant with suitable investment recommendations and fully explained the features and risks of all the investments recommended and purchased by Claimant. The investments were purchased with Claimant’s full knowledge and consent as evidenced by her receipt of trade confirmations, monthly account statements, and verbal and written communications with Respondent.

FEES

Pursuant to the 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

**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 firm(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. Accordingly, as a party, Respondent is assessed the following:

Member Surcharge = \$ 1,700.00
Member Process Fee = \$ 3,250.00

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 Arbitrator(s), including a pre-hearing conference with the Arbitrator(s), which lasts four (4) hours or less. Fees associated with these proceedings are:

Two (2) pre-hearing sessions with the Panel @ \$1,125.00/session	= \$ 2,250.00
Pre-Hearing Conferences: June 24, 2019 1 session	
August 10, 2020 1 session	
One (1) hearing session on expungement request @ \$1,125.00/session	= \$ 1,125.00
Hearing: November 11, 2021 1 session	
<hr/> Total Hearing Session Fees	<hr/> = \$ 3,375.00

The Panel has assessed \$1,125.00 of the hearing session fees to Claimant.

The Panel has assessed \$2,250.00 of the hearing session fees to Respondent.

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

ARBITRATION PANEL

Gary M. Landau	-	Public Arbitrator, Presiding Chairperson
Gerald Silverman	-	Public Arbitrator
Leon H. Tracy	-	Public Arbitrator

I, the undersigned Arbitrator, do hereby affirm that I am the individual described herein and who executed this instrument, which is my award.

Concurring Arbitrators' Signatures

Gary M. Landau

Gary M. Landau
Public Arbitrator, Presiding Chairperson

11/17/2021

Signature Date

Gerald Silverman

Gerald Silverman
Public Arbitrator

11/17/2021

Signature Date

Leon H. Tracy

Leon H. Tracy
Public Arbitrator

11/17/2021

Signature Date

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November 17, 2021

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