

**Award
FINRA Dispute Resolution**

In the Matter of the Arbitration Between:

Claimant
Bret Ackerman

Case Number: 14-02042

vs.

Respondents
Bonwick Capital Partners, LLC
Odeon Capital Group LLC
Evan Schwartzberg
Mathew Van Alstyne

Hearing Site: New York, New York

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

REPRESENTATION OF PARTIES

For Claimant Bret Ackerman: Paul H. Aloe, Esq., Kudman Trachten Aloe LLP, New York, New York.

For Respondents Bonwick Capital Partners, LLC ("Bonwick"), Odeon Capital Group LLC ("Odeon"), Evan Schwartzberg ("Schwartzberg"), and Mathew Van Alstyne ("Alstyne"), hereinafter collectively referred to as "Respondents": Carole Miller, Esq., Bressler, Amery & Ross, P.C., Birmingham, Alabama.

CASE INFORMATION

Statement of Claim filed on or about: June 26, 2014.

Bret Ackerman signed the Submission Agreement: June 26, 2014.

Joint Statement of Answer and Counterclaim filed by Respondents on or about:
September 24, 2014.

Bonwick Capital Partners, LLC signed the Submission Agreement: September 23, 2014.

Odeon Capital Group LLC signed the Submission Agreement: September 23, 2014.

Evan Schwartzberg signed the Submission Agreement: September 23, 2014.

Mathew Van Alstyne signed the Submission Agreement: September 23, 2014.

CASE SUMMARY

Claimant asserted the following causes of action: breach of employment agreement; violation of New York Labor Law; breach of the covenant of good faith and fair dealing; tortious interference with the employment agreement; violation of the New York City Human Rights Law; unlawful retaliation for having exercised his rights under the Family and Medical Leave Act; disability discrimination; wrongful termination; retaliation; unjust enrichment; and maliciously filing a false and damaging Form U5.

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

In its Counterclaim, Respondent Odeon asserted the following cause of action: unjust enrichment.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested compensatory damages in the amount of \$5,000,000.00; an award of economic damage; interest at the rate of 9% per annum; punitive damages; expungement of his Form U5; liquidated damages under the New York Labor Law; reasonable attorneys' fees as mandated under NY Labor Law, the NYC Human Rights, and FMLA.

Respondents requested dismissal of the Statement of Claim in its entirety.

In its Counterclaim, Respondent Odeon requested compensatory damages in excess of \$100,000.00 and any additional relief the Panel deems just and appropriate.

OTHER ISSUES CONSIDERED AND DECIDED

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

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, and post-hearing submissions, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimant's claims against Respondent Bonwick are denied in their entirety.
2. Claimant's statutory discrimination claims are denied in their entirety.
3. Respondents Odeon, Schwartzberg, and Alstyne are jointly and severally liable for and shall pay to Claimant compensatory damages in \$1,102,193.00. The Panel awarded compensatory damages based on unpaid wages owed the Claimant.

4. Respondents Odeon, Schwartzberg, and Alstyne are jointly and severally liable for interest on the award at the rate of 9% per annum from November 1, 2012 until the award is paid in full.
5. Respondents Odeon, Schwartzberg, and Alstyne are jointly and severally liable for and shall pay to Claimant attorneys' fees in the amount of \$247,532.00. Attorneys' fees are awarded pursuant to New York Labor Law.
6. Respondents Odeon, Schwartzberg, and Alstyne are jointly and severally liable for and shall pay to Claimant costs in the amount of \$21,349.25.
7. The Panel recommends the expungement of the Termination Explanation in Section 3 of Claimant Brett Ackerman's (CRD # 4449836) Form U5 filed by Respondent Odeon Capital Group LLC on April 7, 2014 and maintained by the Central Registration Depository ("CRD"). The Termination Explanation shall be deleted and changed to "Continual disagreements over compensation and job duties interfered with the employer's ability to conduct its business in a collegial and effective manner."

The Reason for Termination shall remain the same. These recommendations shall apply to all subsequent disclosures concerning the same events. The above recommendations are based on the defamatory nature of the information.

The Form U5 is not automatically amended to include the changes indicated above. Claimant Bret Ackerman must forward a copy of this Award to FINRA's Registration and Disclosure Department for the amendments to be incorporated into the Form U5.

8. Odeon's Counterclaim is denied in its entirety.
9. Bonwick's request for attorneys' fees is denied.
10. 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

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

Filing Fee	= \$ 600.00
Counterclaim Filing Fee	= \$ 2,125.00

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

Bret Ackerman is assessed a \$200 filing fee in accordance with Code of Arbitration Procedure Rule 13802. The balance of the non-refundable portion of the filing fee, in the amount of \$400.00, is assessed to Odeon Capital Group, LLC.

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm that employed the associated persons at the time of the events giving rise to the dispute. Accordingly, as parties, Odeon Capital Group LLC and Bonwick Capital Partners, LLC are each assessed the following:

Member Surcharge	= \$ 2,800.00
Pre-Hearing Processing Fee	= \$ 750.00
Hearing Processing Fee	= \$ 5,000.00

Discovery-Related Motion Fees

Fees apply for each decision rendered on a discovery-related motion.

Four (4) Decisions on discovery-related motions on the papers
with (1) one arbitrator @ \$200.00 = \$ 800.00

Claimant submitted two (2) discovery-related motions
Respondents submitted two (2) discovery-related motions

Total Discovery-Related Motion Fees = \$ 800.00

The Panel has assessed the \$800.00 discovery-related motion fees to Respondent Odeon.

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, that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) Pre-hearing session with a single arbitrator @ \$450.00 = \$ 450.00
Pre-hearing conference: August 11, 2015 1 session

One (1) Pre-hearing session with Panel @ \$1,200.00 = \$ 1,200.00
Pre-hearing conference: January 14, 2015 1 session

Twelve (12) Hearing sessions @ \$1,200.00 = \$14,400.00
Hearing Dates: October 7, 2015 2 sessions
October 8, 2015 2 sessions
October 9, 2015 2 sessions
October 13, 2015 2 sessions
October 14, 2015 2 sessions
October 15, 2015 2 sessions

Total Hearing Session Fees = \$16,050.00

The Panel has assessed the \$16,050.00 hearing session fees to Respondent Odeon.

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

ARBITRATION PANEL

Abigail J. Pessen	-	Public Arbitrator, Presiding Chairperson
Carol Maria Luttati	-	Public Arbitrator
Brian Lawrence Berlandi	-	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



Abigail J. Pessen
Public Arbitrator, Presiding Chairperson



Signature Date

Carol Maria Luttati
Public Arbitrator

Signature Date

Brian Lawrence Berlandi
Public Arbitrator

Signature Date

November 20, 2015

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

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11/19/15

Signature Date

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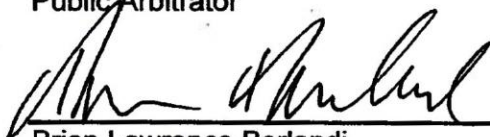
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