

Award
FINRA Office of Dispute Resolution

In the Matter of the Arbitration Between:

Claimant
Nebo Investment Fund LP

Case Number: 17-01986

vs.

Respondent
Jefferies LLC

Hearing Site: New York, New York

Nature of the Dispute: Customer vs. Member

This case was decided by a majority-public panel.

REPRESENTATION OF PARTIES

For Claimant Nebo Investment Fund LP: Barry Lax, Esq. and Sandra Lahens, Esq., Lax & Neville LLP, New York, New York.

For Respondent Jefferies LLC: Theodore R. Snyder, Esq, Murphy & McGonigle, P.C., New York, New York.

CASE INFORMATION

Statement of Claim filed on or about: July 27, 2017.

Amended Statement of Claim filed on or about: November 7, 2018.

Nebo Investment Fund LP signed the Submission Agreement: July 24, 2017.

Statement of Answer filed by Respondent on or about: October 18, 2017.

Respondent's Answer to the Amended Statement of Claim filed on or about: November 27, 2018.

Jefferies LLC signed the Submission Agreement: October 16, 2017.

CASE SUMMARY

Claimant asserted the following causes of action: breach of implied and expressed contract, negligence, gross negligence and negligent supervision, failure to supervise, respondeat superior, agency principle, breach of contractual and legal duties. The causes of action relate to various securities.

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 compensatory damages in excess of \$2 million plus interest; interest to run until the date that the award is paid in full; punitive damages; attorneys' fees, expenses and costs, including experts' fees; and such additional equitable or injunctive relief as deemed just and appropriate by the arbitration Panel.

In the Amended Statement of Claim, Claimant requested compensatory damages ranging from \$3.7 million to \$4.5 million plus interest; interest to run until the date that the award is paid in full; punitive damages; attorneys' fees, expenses and costs, including experts' fees; and such additional equitable or injunctive relief as deemed just and appropriate by the arbitration Panel.

In the Statement of Answer and Answer to the Amended Statement of Claim, Respondent requested that Claimant's claims be denied in their entirety, and that all forum fees in connection with this proceeding be assessed against Claimant.

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 October 19, 2018, Claimant filed a Motion to Amend its Statement of Claim. On or about October 29, 2018, Respondent opposed Claimant's Motion. On or about November 1, 2018, Claimant filed a Reply in support of its Motion to Amend. At the hearing on November 7, 2018, the Panel granted Claimant's Motion to Amend.

On or about September 13, 2018, Respondent filed a Motion for Sanctions. On or about September 24, 2018, Claimant opposed Respondent's Motion. On or about September 28, 2018, Respondent filed a Reply in support of its Motion for Sanctions. By Order dated October 22, 2018, the Panel deferred its decision on Respondent's motion until after the start of the evidentiary hearing. At the close of the hearing, the Panel denied Respondent's Motion for Sanctions.

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.

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. Claimant's claims are denied in their entirety.
2. Any and all claims for relief not specifically addressed herein, including punitive damages and attorneys' fees, are denied.

FEES

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

Filing Fees

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

Initial Claim Filing Fee	=\$ 2,000.00
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*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 that employed the associated person at the time of the event(s) giving rise to the dispute. Accordingly, as a party, Jefferies LLC is assessed the following:

Member Surcharge	=\$ 3,025.00
Member Process Fee	=\$ 6,175.00

Discovery-Related Motion Fee

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

Two (2) decisions on discovery-related motions on the papers with one (1) arbitrator @ \$200.00/decision	=\$ 400.00
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Claimant submitted one (1) discovery-related motion

Respondent submitted one (1) discovery-related motion

Total Discovery-Related Motion Fees	=\$ 400.00
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The Panel has assessed \$200.00 of the discovery-related motion fees to Claimant.

The Panel has assessed \$200.00 of the discovery-related motion fees to Respondent.

Contested Motion for Issuance of Subpoena Fee

Fees apply for each decision on a contested motion for the issuance of a subpoena.

One (1) decision on a contested motion for the issuance of a subpoena with one arbitrator @ \$250.00	=\$ 250.00
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Total Contested Motion for Issuance of Subpoena Fee	=\$ 250.00
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The Panel has assessed \$125.00 of the contested motion for issuance of subpoenas fees to Claimant.

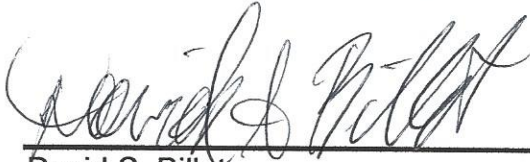
The Panel has assessed \$125.00 of the contested motion for issuance of subpoenas to Respondent.

ARBITRATION PANEL

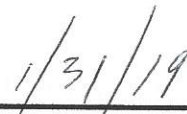
David S. Billet	-	Public Arbitrator, Presiding Chairperson
John Michael Bergin	-	Public Arbitrator
Donald Nevin Gershuny	-	Non-Public Arbitrator

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



David S. Billet
Public Arbitrator, Presiding Chairperson



Signature Date

John Michael Bergin
Public Arbitrator

Signature Date

Donald Nevin Gershuny
Non-Public Arbitrator

Signature Date

February 4, 2019

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

ARBITRATION PANEL

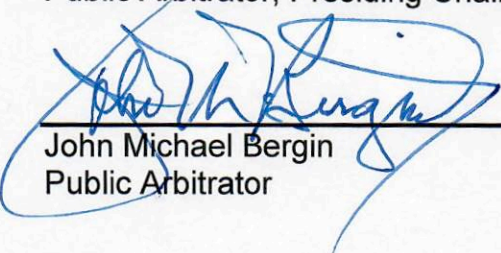
David S. Billet	-	Public Arbitrator, Presiding Chairperson
John Michael Bergin	-	Public Arbitrator
Donald Nevin Gershuny	-	Non-Public Arbitrator

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Concurring Arbitrators' Signatures

David S. Billet
Public Arbitrator, Presiding Chairperson

Signature Date



John Michael Bergin
Public Arbitrator

Feb. 1, 2019

Signature Date

Donald Nevin Gershuny
Non-Public Arbitrator

Signature Date

February 4, 2019

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