

FINRA Dispute Resolution
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Number of Pages including the Cover Sheet: _____

Date: 01/02/2014

Case Number: 12-01304

Case Name: Jonathan Perlman, Esq., as court-appointed Receiver of Creative Capital Consortium, LLC, et al. vs. Optionsxpress, Inc.

To: Jeffrey B. Kaplan

Phone: 305-374-1920 Fax: 305-374-1961

From: Steeve Encaoua */LMM*
Case Administrator

Message:

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January 2, 2014

Jeffrey B. Kaplan, Esq.
Dimond Kaplan & Rothstein, P.A.
2665 South Bayshore Drive
Offices at Grand Bay Plaza, PH-2B
Miami, FL 33133

Subject: FINRA Dispute Resolution Arbitration Number 12-01304
Jonathan Perlman, Esq., as court-appointed Receiver of Creative Capital
Consortium, LLC, et al. vs. Optionspress, Inc.

Dear Mr. Kaplan:

The Panel reviewed all submissions in connection with Claimants' Motion to Compel and issued the enclosed Order dated December 19, 2013.

Please contact our office should you have any questions.

Very truly yours,

Steeve David Encaoua L.M.M.

Steeve David Encaoua
Case Administrator
Phone: 561-416-0277
Fax: 301-527-4868
FL-Main@finra.org

SDE:Imm:LC58I
idr: 09/14/2012

CC:

Stefano Ferruggia
Monica I. Salis
Sidney J. Wartel, J.D.

RECIPIENTS:

Joseph DaProcida, Esq., Optionspress, Inc.
Greenberg Traurig, LLP, 445 Hamilton Avenue, 9th Floor, White Plains, NY 10601

Jeffrey B. Kaplan, Esq., Jonathan Perlman, Receiver & Assignee

Investor protection. Market integrity.

Dispute Resolution
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FINRA Dispute Resolution

ORDER

Case Number: 12-0304

Case Name: Jonathan Pearlman, Esq., as Court appointed Receiver v OPTIONSPRESS, INC.

Issues Addressed: (ie., name of motion or request, by which party)

- A { ① Claimant's Motion to Compel, 11/22/13 ② Respondent's Motion Response 12/3/12
- B { ③ Claimant's Reply in Support, 12/19/13
- 1- Respondent's Motion to Compel 11/22/13 2- Claimant's Opposition 12/3/13
- 3- Respondent's Reply in Support 12/19/13

Pre-Hearing Conference Held?:

Yes

No (circle one)

Date/Time: 12/19/13 11 AM

Participating in the conference were:

Chairperson: Monica T. Salis, Esq.

Panelist: Stefano Ferruggia

Panelist: Sidney J. Wartel, Esq.

Claimant's Representative: Jeffrey B. Kaplan, Esq., Robert Linkin, Esq.

#1 Respondent's Representative: George Sullivan, Esq., Joseph DeProcida, Ms. Black, Esq.

#2 Respondent's Representative: _____

FINRA Dispute Resolution Staff:

Steve David Encava

Decided by: Chairperson Panel (circle one)

Rulings:¹

After considering the pleadings submitted by the parties (and oral arguments, if pre-hearing conference held), the Panel/Chairperson rules as follows:

1. Claimant's Motion to Compel is Granted.
Respondent shall produce all documents and information sought by Claimant pertaining to the 12 Subject accounts listed on the schedule set forth on page 2 of Claimant's Motion to Compel

¹ If more space is needed, add additional pages.

2. All requests for sanctions (written and oral) pertaining to Claimant's motion to compel are denied at this time, without prejudice

3. Respondent's Motion to Compel is granted

4. ~~AND~~ Claimant shall provide an Affirmation as to all documents*

The parties should comply with this order by 20 days from 12/19/13 at 5AM

If the parties settle this matter prior to the hearing, the forum fees for this pre-hearing conference (or discovery-related motion decided without a pre-hearing conference) are assessed as follows:

- 50 % to Claimant(s), jointly and severally
- 50 % to Respondent(s), jointly and severally
- _____ % assessed to _____
- _____ % assessed to _____
- _____ % assessed to _____
- _____ % assessed to _____

X _____
 Stefano Ferruggia

X _____
 Sidney J. Ward, Esq.

X _____
 Chairperson,
 On behalf of the Arbitration Panel

Date: 12/19/13

* Which Claimant does not have possession or custody or control of which specifies, in detail all/each effort claimant has made in good faith to obtain possession custody or control and shall attach each/all subpoenas, written requests and a summary of all other efforts to obtain same.

5. Claimant shall provide Respondent with all tracing analysis and supporting documents. Any of such documents previously produced by claimant to Respondent shall be identified by Bates Number

6. All requests for sanctions (written or oral) related to Respondent's Motion to Compel are denied at this time, without prejudice.