

Award
FINRA Office of Dispute Resolution

In the Matter of the Arbitration Between:

Claimant

████████████████████

Case Number ██████████

vs.

Respondent

LPL Financial LLC

Hearing Site: Boston, Massachusetts

Nature of the Dispute: Associated Person vs. Member

REPRESENTATION OF PARTIES

For Claimant ██████████: Docthor Kennedy, Esq., AdvisorLaw, LLC, Broomfield, Colorado.

For Respondent LPL Financial LLC: David J. Freniere, Esq., Markun Zusman Freniere & Compton LLP, Wellesley, Massachusetts.

CASE INFORMATION

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

Claimant signed the Submission Agreement: April 27, 2017.

Statement of Answer filed by Respondent on or about: June 21, 2017

Respondent signed the Submission Agreement: June 21, 2017.

CASE SUMMARY

Claimant asserted the following causes of action: defamation, and tortious interference with business relationship.

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 the amount of \$640,000.00, punitive damages in the amount of \$250,000.00, attorneys' fees in the amount of \$25,000.00, expungement, and such other relief as deemed just and equitable.

In the Statement of Answer, Respondent requested that Claimant's claims be denied in their entirety, Respondent's portion of the forum fees be assessed against Claimant, costs, and any other relief deemed just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

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

On July 18, 2017, Respondent submitted a Motion to Dismiss. On August 17, 2017, Claimant filed an Opposition and Respondent filed a Reply on August 18, 2017.

On September 26, 2017, the Panel heard oral arguments on Respondent's Motion to Dismiss. On September 26, 2017, the Panel granted Respondent's Motion to Dismiss pursuant to Rule 13206 of the Code. The Panel granted Respondent's Motion to Dismiss and stated that: The claims in this case relate to events that occurred 12 years ago. Respondent terminated Claimant's employment on June 15, 2005 and filed the required Form U5 on July 13, 2005. On April 27, 2017, Claimant filed his Statement of Claim with FINRA Office of Dispute Resolution in clear violation of FINRA Rule 13206 (six-year time limit) and the Massachusetts' "single publication rule".

Respondent's Motion to Dismiss pursuant to Rule 13206 of the Code is granted by the Panel without prejudice to any right the Claimant has to file in court; the Claimant is not prohibited from pursuing his claims in a court pursuant to Rule 13206(b) of the Code.

AWARD

After considering the pleadings, the testimony and evidence presented at the September 26, 2017 recorded pre-hearing conference, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimant's claims are dismissed without prejudice, pursuant to Rule 13206.

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	= \$ 1,725.00
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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 events giving rise to the dispute. Accordingly, as a party, Respondent is assessed the following:

Member Surcharge	= \$ 2,475.00
Member Process Fee	= \$ 5,075.00

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

Two (2) pre-hearing sessions with the Panel @ \$1,300.00/session	= \$2,600.00
Pre-hearing conferences: August 29, 2017	1 session
September 26, 2017	1 session
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Total Hearing Session Fees	= \$2,600.00

1. The Panel has assessed \$1,950.00 of the hearing session fees to Claimant.
2. The Panel has assessed \$650.00 of the hearing session fees to Respondent.

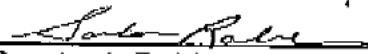
All balances are payable to FINRA Office of Dispute Resolution and are due upon receipt.

ARBITRATION PANEL

Sandor I. Rabkin	-	Public Arbitrator, Presiding Chairperson
Ronald L. Cheney	-	Public Arbitrator
Stephen M. Acerra, Jr.	-	Non-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



Sandor I. Rabkin
Public Arbitrator, Presiding Chairperson

October 5 2017
Signature Date

Ronald L. Cheney
Public Arbitrator

Signature Date

Stephen M. Acerra, Jr.
Non-Public Arbitrator

Signature Date

October 11, 2017

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

Concurring Arbitrators' Signatures

Sandor I. Rabkin
Public Arbitrator, Presiding Chairperson

Signature Date

/S/ Ronald L. Cheney

10/5/2017

Ronald L. Cheney
Public Arbitrator

Signature Date

Stephen M. Acerra, Jr. Non-Public
Arbitrator

Signature Date

October 11, 2017

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