

**Award**  
**FINRA Office of Dispute Resolution**

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In the Matter of the Arbitration Between:

Claimant

████████████████████

Case Number: ██████████

vs.

Respondent

MSI Financial Services, Inc.

Hearing Site: Chicago, Illinois

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Nature of the Dispute: Associated Person vs. Member

**REPRESENTATION OF PARTIES**

For Claimant ██████████ (“Claimant”): Dochter Kennedy, Esq., and Christopher Cummins, Esq., AdvisorLaw LLC, Westminster, Colorado.

For Respondent MSI Financial Services, Inc. (“Respondent”): Martin Harris, Esq., Harris & Affiliates, Ltd., Chicago, Illinois.

**CASE INFORMATION**

Statement of Claim filed on or about: January 11, 2019.  
Claimant signed the Submission Agreement: January 11, 2019.

Statement of Answer filed by Respondent on or about: March 4, 2019.  
Respondent signed the Submission Agreement: March 4, 2019.

**CASE SUMMARY**

In the Statement of Claim, Claimant asserted a claim seeking expungement of customer complaint, Occurrence Number ██████████ from his registration records maintained by the Central Registration Depository (“CRD”).

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 expungement of Occurrence Number ██████████ from his registration records maintained by CRD, \$1.00 in compensatory damages, and any and all other relief as the Arbitrator deems just and equitable.

In the Statement of Answer, Respondent requested that all relief be denied, that the Panel order Claimant to pay 100% of the forum fees and session/hearing fees, reimburse Respondent for all other fees that FINRA charges the member firm in connection with this Statement of Claim, and reimburse Respondent for all attorneys' fees it incurs in connection with this claim.

### **OTHER ISSUES CONSIDERED AND DECIDED**

The Arbitrator acknowledges that he has read the pleadings and other materials filed by the parties.

On or about March 7, 2019, Respondent filed a Motion to Dismiss ("Motion to Dismiss") pursuant to FINRA Rules 13206 and 13504 of the Code of Arbitration Procedure ("Code"). On or about April 5, 2019, Claimant filed his Response to Respondent's Motion to Dismiss. On or about April 15, 2019, Respondent filed its Reply Brief Supporting Motion to Dismiss.

On May 10, 2019, the Arbitrator heard oral arguments on the Motion to Dismiss. The Arbitrator, herein, denies the Motion to Dismiss pursuant to Rule 13206 of the Code, however, grants the Motion to Dismiss pursuant to Rule 13504 on the grounds that:

Claimant and Respondent entered into a Settlement Agreement, signed by them in July and August, 2016, wherein Claimant expressly released Respondent from any claims "arising out of any act, omission, transaction, or occurrence, up to and including the date they each execute this Agreement." The Settlement Agreement specifically included "any claim arising out of or related to their employment by and affiliation with the Company" and "any alleged violations of any duty or other employment-related obligation or other obligations arising out of contract, tort, libel or slander, defamation, public policy, law or equity." These provisions of the Settlement Agreement bar Claimant from maintaining the present action.

### **AWARD**

After considering the pleadings, Respondent's Motion to Dismiss and responses thereto, and the arguments presented at the pre-hearing conference, the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimant's request for expungement of his CRD records is denied.
2. Claimant's request for \$1.00 in compensatory damages is denied.
3. Other than forum fees which are specified below, the parties shall each bear their own costs and expenses incurred in this matter.
4. Any and all claims for relief not specifically addressed herein and attorneys' fees, are denied.

## FEES

Pursuant to the Code, the following fees are assessed:

### Filing Fees

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

Initial Claim Filing Fee	=\$	50.00
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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	=\$	150.00
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### 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), that lasts four (4) hours or less. Fees associated with these proceedings are:

Two (2) pre-hearing sessions with a single arbitrator @ \$50.00/session	=\$	100.00
Pre-hearing conference: April 29, 2019		1 session
May 10, 2019		1 session

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Total Hearing Session Fees	=\$	100.00
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The Panel has assessed \$100.00 of the hearing session fees to Respondent.

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

**ARBITRATOR**

Lee H. Goodman

Sole 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.

**Arbitrator's Signature**



Lee H. Goodman  
Sole Public Arbitrator

MAY 28, 2019  
Signature Date

May 28, 2019

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