

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Shawna Danette Mead

Case Number: 19-01044

vs.

Respondent
LPL Financial LLC

Hearing Site: Hartford, Connecticut

Awards are rendered by independent arbitrators who are chosen by the parties to issue final, binding decisions. FINRA makes available an arbitration forum—pursuant to rules approved by the SEC—but has no part in deciding the award.

Nature of the Dispute: Associated Person vs. Member

REPRESENTATION OF PARTIES

Claimant Shawna Danette Mead appeared pro se.

For Respondent LPL Financial LLC: Thomas F. Barnett, Esq., LPL Financial LLC, Boston, Massachusetts.

CASE INFORMATION

Statement of Claim filed on or about: April 16, 2019.

Shawna Danette Mead signed the Submission Agreement: April 16, 2019.

Statement of Answer filed by Respondent on or about: July 3, 2019.

LPL Financial LLC signed the Submission Agreement: July 3, 2019.

CASE SUMMARY

In the Statement of Claim, Claimant asserted the following causes of action: U5 Expungement, breach of contract, wrongful termination, and discrimination.

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 her Form U5, unspecified compensatory damages, and treble damages.

In the Statement of Answer, Respondent requested that the Panel dismiss the Statement of Claim in its entirety, including all requests for relief; reasonable attorneys' fees; arbitration costs and expenses; and such other relief as the Panel may deem appropriate.

OTHER ISSUES CONSIDERED AND DECIDED

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

On July 9, 2020, Respondent filed a Motion to Compel Discovery pursuant to FINRA Rule 13509. Claimant did not file a response. By Order dated July 23, 2020, the Chairperson granted Respondent's Motion to Compel Discovery and ordered compliance by September 1, 2020.

On September 14, 2020, Respondent filed a Motion for Sanctions pursuant to FINRA Rule 13511(b) for Claimant's failure to comply with the July 23, 2020 Discovery Order. Respondent requested that the Panel dismiss Claimant's claims for failing to abide by her discovery obligations including an order from the Chairperson or, alternatively, order Claimant to pay a penalty of \$1,000.00 to Respondent. Claimant did not respond to Respondent's Motion for Sanctions.

On October 19, 2020, a Pre-hearing Conference was held to hear oral arguments on Respondent's Motion for Sanctions. By Order dated October 29, 2020, the Panel ordered the Claimant to respond to Respondent's discovery requests by November 20, 2020. The Order also stated that if the Claimant fails to fully comply with the order, the proceeding will be dismissed.

A pre-hearing conference was held on November 3, 2020. Claimant did not attend the pre-hearing conference. By Order dated November 3, 2020, the Panel ordered the Claimant to provide an updated mailing address on or before November 18, 2020; Claimant is ordered to fully comply with the Respondent's discovery requests, as per Order submitted on October 29, 2020; and the Claimant shall attend the rescheduled hearing. In the event that the Claimant fails to comply fully with this order, this matter shall be dismissed.

On November 25, 2020, Claimant submitted correspondence stating that she intends to respond to Respondent's discovery request by no later than November 30, 2020 and she provided her updated mailing address.

By Order dated December 20, 2020, the Panel noted that the Claimant filed a notice indicating that she intends to respond to discovery by November 30, 2020. To the extent that the Claimant is seeking additional time to comply with discovery orders, the motion is denied.

A pre-hearing conference was held on January 19, 2021 during which Respondent's motion to dismiss was argued.

The Award in this matter may be executed in counterpart copies.

AWARD

After considering the pleadings, and oral arguments at the January 19, 2021 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 with prejudice.
2. Any and all claims for relief not specifically addressed herein are denied.

FEES

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

Filing Fees

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

Initial Claim Filing Fee = \$ 1,575.00

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

FINRA Dispute Resolution Services previously deferred Claimant's filing fee of \$ 1,575.00. Upon conclusion of the matter, the Panel determined to waive the \$375.00 non-refundable portion of the filing fee.

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 LPL Financial LLC is assessed the following:

Member Surcharge = \$ 1,900.00

Member Process Fee = \$ 3,750.00

Discovery-Related Motion Fees

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

One (1) decision on a discovery-related motion on the papers with one (1) Arbitrator @ \$200.00/decision = \$ 200.00

Respondent submitted one (1) discovery-related motion

Total Discovery-Related Motion Fees = \$ 200.00

The Panel has assessed the total discovery-related motion fees to Claimant.

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

Seven (7) pre-hearing sessions with the Panel @ \$1,125.00/session	= \$	7,875.00
Pre-Hearing Conferences: September 19, 2019	1 session	
October 8, 2019	1 session	
November 1, 2019	1 session	
May 18, 2020	1 session	
October 19, 2020	1 session	
November 3, 2020	1 session	
January 19, 2021	1 session	

Total Hearing Session Fees	= \$	7,875.00
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The Panel has assessed \$5,625.00 of the hearing session fees to Claimant.
The Panel has assessed \$2,250.00 of the hearing session fees to Respondent.

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

ARBITRATION PANEL

Robert M. Singer	-	Public Arbitrator, Presiding Chairperson
Robert L. Chase	-	Public Arbitrator
Karen Kim	-	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

Robert M. Singer

Robert M. Singer
Public Arbitrator, Presiding Chairperson

02/12/2021

Signature Date

Robert L. Chase

Robert L. Chase
Public Arbitrator

02/11/2021

Signature Date

Karen Kim

Karen Kim
Non-Public Arbitrator

02/12/2021

Signature Date

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February 17, 2021

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