

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Sandra Etienne

Case Number: 19-02188

vs.

Respondent
Barclays Capital Inc.

Hearing Site: New York, New York

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

This matter was decided by an all-public panel pursuant to Rule 13802 of the Code of Arbitration Procedure (“Code”).

The evidentiary hearing was conducted by videoconference.

REPRESENTATION OF PARTIES

For Claimant Sandra Etienne: Locksley O. Wade, Esq., Law Office of Locksley O. Wade, New York, New York.

For Respondent Barclays Capital Inc.: Jill Rosenberg, Esq., Orrick, Herrington & Sutcliffe LLP, New York, New York.

CASE INFORMATION

Statement of Claim filed on or about: August 6, 2019.
Sandra Etienne signed the Submission Agreement: August 6, 2019.

Statement of Answer filed by Respondent on or about: October 29, 2019.
Barclays Capital Inc. signed the Submission Agreement: October 29, 2019.

CASE SUMMARY

Claimant asserted the following causes of action: unlawful employment practices under Title VII of the Civil Rights Act of 1964, as amended ("Title VII"), 42 U.S.C. Section 2000e et seq., the Civil Rights Act of 1871, as amended ("Civil Rights Act") 42 U.S.C. Section 1981, the New York State Human Rights Law ("State Human Rights Law") N.Y. Exec. L. Section 290 et seq. and the New York City Human Rights Law ("City Human Rights Law") N.Y.C. Admin. Code Section 8-101 et seq.; Section 1981: deprivation of civil rights to employment because of race; Section 1981: hostile working environment; Section 1981: retaliation for engaging in protected activity; Title VII: termination of employment because of race; Title VII: termination of employment because of sex; Title VII: hostile working environment; Title VII: retaliation for engaging in protected activity; State Human Rights Law: termination because of race; State Human Rights Law: termination of employment because of sex; State Human Rights Law: hostile working environment; State Human Rights Law: retaliation for engaging in protected activity; City Human Rights Law: termination of employment because of race; City Human Rights Law: termination of employment because of sex; City Human Rights Law: hostile working environment; and City Human Rights Law: retaliation for engaging in protected activity.

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 that the Panel enter judgment declaring the acts and/or practices of Respondent to be in violation of the above described laws against unlawful discrimination in the workplace; award lost wages, including without limitation back-pay, front-pay, bonuses, pension and retirement benefits as a result of Respondent's act of unlawful workplace discrimination; consequential damages for losses resulting from Respondent's unlawful acts of workplace discrimination; compensatory damages for among other items, impairment and damage to Claimant's good name and reputation, emotional distress, mental anguish, emotional pain, suffering, inconvenience, lasting embarrassment and humiliation, and other pecuniary and non-pecuniary losses, in accordance with the above described laws against workplace discrimination; punitive damages; costs; interest; and attorneys' fees.

In the Statement of Answer, Respondent requested that the Panel dismiss Claimant's claims in their entirety.

OTHER ISSUES CONSIDERED AND DECIDED

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

On August 18, 2020, Claimant filed a Notice of Withdrawal of her claim of unlawful discrimination. On August 19, 2020, Respondent filed a response to Claimant's Notice of Withdrawal. By Order dated August 24, 2020, the Panel treated Claimant's Notice of Withdrawal as a motion to withdraw the claim without prejudice. The Panel denied the motion.

A hearing was held on December 7, 2020 via videoconference. Claimant did not appear at the evidentiary hearing. Upon review of the file, the Panel determined that Claimant received due notice of the hearing and that arbitration of the matter would proceed without said Claimant present, in accordance with the Code.

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 statutory claims are denied in their entirety.
2. Claimant's non-statutory claims are denied in their entirety.
3. Any and all claims for relief not specifically addressed herein, including any requests for punitive damages 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:

Claimant's Initial Filing Fee = \$ 200.00

Claimant is assessed a \$200.00 filing fee in accordance with Code of Arbitration Procedure Rule 13802. The balance of the non-refundable portion of the filing fee, in the amount of \$175.00 is assessed to Respondent.

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 Barclays Capital Inc. 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.

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

Claimant submitted one discovery-related motion
Respondent submitted one discovery-related motion

Total Discovery-Related Motion Fees = \$ 400.00

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.

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:

One (1) pre-hearing session with a single Arbitrator @ \$450.00/session = \$ 450.00
Pre-hearing Conference: April 30, 2020 1 session

Three (3) pre-hearing sessions with the Panel @ \$1,125.00/session = \$ 3,375.00
Pre-hearing Conferences: November 25, 2019 1 session
June 16, 2020 1 session
November 4, 2020 1 session

Two (2) hearing sessions @ \$1,125.00/session = \$ 2,250.00
Hearing Date: December 7, 2020 2 sessions

Total Hearing Session Fees = \$ 6,075.00

The Panel has assessed the total hearing session fees to Respondent.

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

ARBITRATION PANEL

Roger B. Jacobs	-	Public Arbitrator, Presiding Chairperson
Madelon M. Rosenfeld	-	Public Arbitrator
Robert E. Anderson	-	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

Roger B. Jacobs

Roger B. Jacobs
Public Arbitrator, Presiding Chairperson

01/07/2021

Signature Date

Madelon M. Rosenfeld

Madelon M. Rosenfeld
Public Arbitrator

01/08/2021

Signature Date

Robert E. Anderson

Robert E. Anderson
Public Arbitrator

01/07/2021

Signature Date

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January 08, 2021

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