

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Daniel Schreiner

Case Number: 19-03119

vs.

Respondents
Ameriprise Financial Services, Inc. and
Stephen M. Ross

Hearing Site: Chicago, Illinois

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 and Associated Person

The evidentiary hearing was conducted by videoconference.

REPRESENTATION OF PARTIES

For Claimant Daniel Schreiner (“Claimant”): Bruce Lewitas, Esq. and Douglas W. Hyman, Esq., Lewitas|Hyman, Chicago, Illinois.

For Respondent Ameriprise Financial Services, Inc. (“Ameriprise”): Julie Fleming-Wolfe, Esq., Fleming-Wolfe Law, P.A., St. Paul, Minnesota.

For Respondent Stephen M. Ross (“Ross”): Jeffrey L. Rudd, Esq. and Jessica E. Quarless, Esq., Jackson Lewis P.C., Chicago, Illinois.

CASE INFORMATION

Statement of Claim filed on or about: October 17, 2019.

Statement of Answer to Counterclaim filed on or about: January 13, 2020.

Claimant signed the Submission Agreement: October 16, 2019.

Statement of Answer filed by Ameriprise on or about: December 24, 2019.

Ameriprise signed the Submission Agreement: December 16, 2019.

Statement of Answer and Counterclaim filed by Ross on or about: December 24, 2019.

Ross signed the Submission Agreement: December 23, 2019.

CASE SUMMARY

In the Statement of Claim, Claimant asserted the following causes of action: breach of contract, wrongful termination/hostile work environment/retaliatory discharge, and defamation *per se*. The causes of action related to the circumstances surrounding the termination of Claimant's employment with Ross and registration with Ameriprise.

Unless specifically admitted in the Statement of Answer, Ameriprise denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

Unless specifically admitted in the Statement of Answer and Counterclaim, Ross denied the allegations made in the Statement of Claim, asserted various affirmative defenses, and asserted the following causes of action: breach of contract and breach of fiduciary duties. The causes of action related to Ross' allegation that Claimant violated the terms of the employment agreement entered into between Claimant and Ross.

Unless specifically admitted in the Statement of Answer to Counterclaim, Claimant denied the allegations made in the Counterclaim and asserted various affirmative defenses.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested compensatory damages; expungement of the Form U5 filed by Ameriprise; punitive damages in a sum that the Panel deems appropriate; costs and expenses, including all expert witness costs and FINRA fees; reasonable attorneys' fees; and such other and further relief as the Panel deems appropriate.

In the Statement of Answer, Ameriprise requested that the claims against it asserted in the Statement of Claim be dismissed with prejudice and that the Panel award it all costs and attorney's fees incurred in defending this matter and any and all further relief as is deemed just and proper.

In the Statement of Answer and Counterclaim, Ross requested that the Panel enter judgment on his behalf and against Claimant, award compensatory damages; order that Claimant disgorge all compensation paid to him by Ross for the period that Claimant was in breach of his fiduciary duties; award punitive damages in a sum that the Panel deems appropriate; award costs and expenses, including all expert witness costs and FINRA fees; award reasonable attorneys' fees; and grant such other and further relief as the Panel deems just and fair.

In the Statement of Answer to Counterclaim, Claimant requested that the Panel deny the Counterclaim and award Claimant all costs, attorneys' fees, and such other relief that the Panel deems appropriate.

At the hearing, Claimant requested damages in the amount of \$551,365.00, attorneys' fees in the amount of \$239,842.50, and costs in the amount of \$7,973.93.

OTHER ISSUES CONSIDERED AND DECIDED

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

On April 28, 2020, Claimant filed a notice of voluntary dismissal of Ameriprise from Count II (wrongful termination/hostile work environment/retaliatory discharge) of the Statement of Claim. Claimant maintained all remaining claims against Ameriprise, as well as all previously asserted claims against Ross. Accordingly, the Panel made no determination against Ameriprise with respect to Count II of the Statement of Claim and adjudicated all other relief requests contained in the Statement of Claim, as well as those contained in the Counterclaim.

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

AWARD

After considering the pleadings, the testimony and evidence presented at the hearing, and any post-hearing submissions, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimant’s claims are denied in their entirety.
2. Ross’ Counterclaim is denied in its entirety.
3. Any and all claims for relief not specifically addressed herein, including any requests for punitive damages, treble damages, and attorneys’ fees, are denied.

FEES

Pursuant to the Code of Arbitration Procedure, 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
Counterclaim Filing Fee	= \$	1,575.00

**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(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. Accordingly, as a party, Ameriprise is assessed the following:

Member Surcharge	= \$	1,900.00
Member Process Fee	= \$	3,750.00

Postponement Fees

Postponements granted during these proceedings for which fees were assessed or waived:

February 3-5 and 8, 2021 postponement requested jointly by the parties	Waived
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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), which lasts four (4) hours or less. Fees associated with these proceedings are:

Two (2) pre-hearing sessions with a single Arbitrator @ \$450.00/session	= \$	900.00
Pre-Hearing Conferences: February 22, 2021	1 session	
February 24, 2021	1 session	
Two (2) pre-hearing sessions @ 1,125.00/session	= \$	2,250.00
Pre-Hearing Conferences: March 30, 2020	1 session	
October 12, 2021	1 session	
Fourteen (14) hearing sessions @ \$1,125.00/session	= \$	15,750.00
Hearings: November 2, 2021	2 sessions	
November 3, 2021	2 sessions	
November 4, 2021	2 sessions	
November 5, 2021	2 sessions	
December 21, 2021	2 sessions	
December 22, 2021	2 sessions	
December 23, 2021	2 sessions	
Total Hearing Session Fees	= \$	18,900.00

The Panel has assessed \$9,450.00 of the hearing session fees to Claimant.

The Panel has assessed \$9,450.00 of the hearing session fees to Ross.

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

ARBITRATION PANEL

Michael S. Jordan	-	Public Arbitrator, Presiding Chairperson
Susan L. Walker	-	Public Arbitrator
William John Lillwitz	-	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

Michael S. Jordan

Michael S. Jordan
Public Arbitrator, Presiding Chairperson

01/05/2022

Signature Date

Susan L. Walker

Susan L. Walker
Public Arbitrator

01/04/2022

Signature Date

William John Lillwitz

William John Lillwitz
Non-Public Arbitrator

01/05/2022

Signature Date

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January 05, 2022

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