

**Award**  
**FINRA Dispute Resolution Services**

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In the Matter of the Arbitration Between:

Claimant

Timothy Wayne Jackson

Case Number: 19-03164

vs.

Respondent

Prudential Annuities Distributors, Inc.

Hearing Site: Cleveland, Ohio

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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: Customer vs. Member

**REPRESENTATION OF PARTIES**

Claimant Timothy Wayne Jackson (“Claimant”) appeared pro se.

For Respondent Prudential Annuities Distributors, Inc. (“Respondent”): Sarah M. Mancuso, Esq. and Adam C. Smith, Esq., McDonald Hopkins LLC, Cleveland, Ohio.

**CASE INFORMATION**

Statement of Claim filed on or about: October 29, 2019.

Claimant signed the Submission Agreement: October 13, 2019.

Statement of Answer filed on or about: December 23, 2019.

Respondent signed the Submission Agreement: December 19, 2019.

**CASE SUMMARY**

In the Statement of Claim, Claimant alleged that Respondent permanently damaged his reputation by placing his contract under a guardianship restriction without a petition for guardianship, letter of guardianship, or court order approving guardianship ever having been sent to Respondent.

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 and supporting documents, Claimant requested \$100,000.00 in

compensatory damages.

In the Statement of Answer, Respondent requested that all causes of action be dismissed; Claimant take nothing by way of his Statement of Claim; Respondent's portion of forum fees be assessed against Claimant; Respondent be awarded its attorneys' fees, costs, and expenses incurred in defending this action; and any other relief that the Arbitrator deems just and proper.

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

The Arbitrator acknowledges having read the pleadings and other materials filed by the parties.

On December 4, 2020, Claimant filed a request to not have a hearing. On December 14, 2020, Respondent filed an opposition to Claimant's request to not have a hearing. In an Order dated December 22, 2020, the Arbitrator denied Claimant's request to not have a hearing.

### **AWARD**

After considering the pleadings, the testimony and evidence presented at the hearing, and any post-hearing submissions, the Arbitrator 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. Respondent is liable for and shall pay to Claimant \$225.00 to reimburse Claimant for the non-refundable portion of the filing fee previously paid to FINRA Dispute Resolution Services.
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	= \$	975.00
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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(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. Accordingly, as a party, Respondent is assessed the following:

Member Surcharge	= \$	1,100.00
Member Process Fee	= \$	2,250.00

**Postponement Fees**

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

February 9-10, 2021, postponement requested by Respondent WAIVED

**Hearing Session Fees and Assessments**

The Arbitrator has assessed hearing session fees for each session conducted. A session is any meeting between the parties and the Arbitrator, including a pre-hearing conference with the Arbitrator, which lasts four (4) hours or less. Fees associated with these proceedings are:

Four (4) pre-hearing sessions @ \$450.00/session		=\$ 1,800.00
Pre-Hearing Conferences:		
March 10, 2020	1 session	
September 10, 2020	1 session	
February 9, 2021	1 session	
July 20, 2021	1 session	
Two (2) hearing sessions @ \$450.00/session		=\$ 900.00
Hearing:		
August 3, 2021	2 sessions	
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Total Hearing Session Fees		=\$ 2,700.00

The Arbitrator has assessed \$900.00 of the hearing session fees to Claimant.

The Arbitrator has assessed \$1,800.00 of the hearing session fees to Respondent.

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

**ARBITRATOR**

Gregory P. Szuter

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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**

***Gregory P. Szuter***

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Gregory P. Szuter  
Sole Public Arbitrator

**08/06/2021**

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Signature Date

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August 06, 2021

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