

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

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In the Matter of the Arbitration Between:

Claimant  
Brittany Marie Russell

Case Number: 19-03221

vs.

Respondent  
The Huntington Investment Company

Hearing Site: Pittsburgh, Pennsylvania

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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: Associated Person vs. Member

**REPRESENTATION OF PARTIES**

For Claimant Brittany Marie Russell (“Claimant”): Frances Menzer, Esq., HLBS Law, Westminster, Colorado.

For Respondent The Huntington Investment Company (“Respondent”): Paul R. Harris, Esq., Ulmer & Berne LLP, Cleveland, Ohio.

**CASE INFORMATION**

Statement of Claim filed on or about: October 28, 2019.  
Claimant signed the Submission Agreement: October 25, 2019.

Statement of Answer filed on or about: February 6, 2020.  
Respondent signed the Submission Agreement: February 5, 2020.

**CASE SUMMARY**

In the Statement of Claim, Claimant asserted a claim alleging that the Form U5 filed by Respondent, as part of registration records maintained by the Central Registration Depository (“CRD”), is defamatory in nature.

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 the Form U5 filed by

Respondent and relevant portions of the related Form U4; compensatory economic damages in an amount to be determined at the hearing; non-economic compensatory damages in an amount not to exceed \$250,000.00; punitive damages in an amount not to exceed \$350,000.00 pursuant to 27 Ohio Rev. Code Ann. §2739.01; and any other relief that the Panel deems just and equitable.

In the Statement of Answer, Respondent requested that all claims be dismissed; attorneys' fees, forum fees, and costs; and any other relief that the Panel deems just and proper.

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

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

On July 6, 2021, Claimant filed a notice of settlement of all monetary claims. Therefore, the Panel made no determination with respect to any monetary relief requests contained in the Statement of Claim and Statement of Answer.

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. The Panel recommends the expungement of all references to Occurrence Numbers 2000115 and 2000116 from the registration records maintained by the CRD for Brittany Marie Russell (CRD Number 6378410). Any "Yes" answers should be changed to "No" as applicable.

The Panel further recommends the Reason for Termination under Section 3 on the Form U5 filed on October 4, 2018 by Huntington Investment Company and maintained by the CRD for Brittany Marie Russell remain as stated.

The above recommendations are made with the understanding that the registration records are not automatically amended. Brittany Marie Russell must obtain confirmation of this Award from a court of competent jurisdiction, before the CRD will execute the expungement directive, and must forward a copy of the Court Order to FINRA's Credentialing, Registration, Education and Disclosure Department for the amendments to be incorporated into the Registration Records.

2. Any and all claims for relief not specifically addressed herein, 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 = \$ 1,725.00

*\*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, Respondent is assessed the following:

Member Surcharge = \$ 2,475.00

Member Process Fee = \$ 5,075.00

**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 the Panel @ \$1,300.00/session = \$ 2,600.00

Pre-Hearing Conferences: February 26, 2020 1 session

December 1, 2020 1 session

One (1) hearing session @ \$1,300.00/session = \$ 1,300.00

Hearing: July 20, 2021 1 session

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Total Hearing Session Fees = \$ 3,900.00

The Panel has assessed \$2,600.00 of the hearing session fees to Claimant.

The Panel has assessed \$1,300.00 of the hearing session fees to Respondent.

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

**ARBITRATION PANEL**

Catherine Stewart	-	Public Arbitrator, Presiding Chairperson
Mark A. Sipper	-	Public Arbitrator
Stanley Yorsz	-	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**

***Catherine Stewart***

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Catherine Stewart  
Public Arbitrator, Presiding Chairperson

**07/29/2021**

\_\_\_\_\_  
Signature Date

***Mark A. Sipper***

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Mark A. Sipper  
Public Arbitrator

**07/28/2021**

\_\_\_\_\_  
Signature Date

***Stanley Yorsz***

\_\_\_\_\_  
Stanley Yorsz  
Non-Public Arbitrator

**07/28/2021**

\_\_\_\_\_  
Signature Date

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July 30, 2021

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