

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Jefferson Davis

Case Number: 19-03548

vs.

Respondent
Charles Schwab & Co., Inc.

Hearing Site: Providence, Rhode Island

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

The evidentiary hearing was conducted by videoconference.

REPRESENTATION OF PARTIES

For Claimant Jefferson Davis: Thomas P. Willcutts, Esq., Willcutts & Habib LLC, Hartford, Connecticut.

For Respondent Charles Schwab & Co., Inc.: Anya N. Thepot, Esq., Murphy & McGonigle RLLP, San Francisco, California.

CASE INFORMATION

Statement of Claim filed on or about: December 1, 2019.

Amended Statement of Claim filed on or about: March 30, 2021.

Jefferson Davis signed the Submission Agreement: December 1, 2019.

Statement of Answer filed by Respondent on or about: February 18, 2020.

Amended Statement of Answer filed by Respondent on or about: April 19, 2021.

Charles Schwab & Co., Inc. signed the Submission Agreement: February 18, 2020.

CASE SUMMARY

In the Amended Statement of Claim, Claimant asserted the following causes of action: fraudulent and negligent misrepresentations, violation of Connecticut Uniform Securities Act, and breach of contract. The causes of action relate to unspecified securities.

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

RELIEF REQUESTED

In the Amended Statement of Claim, Claimant requested compensatory damages in the amount of \$71,000.00; punitive damages; interest; attorneys' fees; costs, fees and expenses; and such other legal and equitable relief as deemed proper.

In the Amended Statement of Answer, Respondent requested that all claims be denied in their entirety; fees and expenses, including all FINRA fees and attorneys' fees; and such other and further relief as deemed appropriate.

At the hearing, Claimant recalculated damages and reduced them to \$38,034.81.

OTHER ISSUES CONSIDERED AND DECIDED

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

On March 30, 2021, Claimant filed a Motion to Amend Statement of Claim to which no response was filed. By Order dated April 14, 2021, the Arbitrator granted Claimant's Motion to Amend the Statement of Claim.

AWARD

After considering the pleadings, the testimony and evidence presented at the hearing, 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. 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 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 =\$ 975.00

**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 that employed the associated person at the time of the event giving rise to the dispute. Accordingly, as a party, Respondent Charles Schwab & Co., Inc. is assessed the following:

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

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
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Respondent submitted one (1) discovery-related motion

Total Discovery-Related Motion Fees	= \$ 200.00
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The Arbitrator has assessed \$100.00 of the discovery-related motion fees to Claimant.

The Arbitrator has assessed \$100.00 of the discovery-related motion fees to Respondent.

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 with a single Arbitrator @ \$450.00/session	= \$ 1,800.00
Pre-Hearing Conferences: March 31, 2020	1 session
January 25, 2021	1 session
March 30, 2021	1 session
June 8, 2021	1 session

Three (3) hearing sessions @ \$450.00/session	= \$ 1,350.00
Hearings: June 15, 2021	2 sessions
June 16, 2021	1 session

Total Hearing Session Fees	= \$ 3,150.00
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The Arbitrator has assessed \$1,912.50 of the hearing session fees to Claimant.

The Arbitrator has assessed \$1,237.50 of the hearing session fees to Respondent.

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

ARBITRATOR

Samuel H. Chorches

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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

Samuel H. Chorches

Samuel H. Chorches
Sole Public Arbitrator

06/17/2021

Signature Date

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June 22, 2021

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