

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Zbigniew Bart Wojewnik

Case Number: 20-00111

vs.

Respondent
Allstate Financial Services, LLC

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

This case was decided by a majority-public panel.

The evidentiary hearing was conducted by videoconference.

REPRESENTATION OF PARTIES

For Claimant Zbigniew Bart Wojewnik (“Claimant”): Laurence M. Landsman, Esq., Latimer LeVay Fyock LLC, Chicago, Illinois.

For Respondent Allstate Financial Services, LLC (“Respondent”): Samantha Tesser Haimo, Esq., Feigeles & Haimo LLP, Fort Lauderdale, Florida.

CASE INFORMATION

Statement of Claim filed on or about: January 13, 2020.

Amended Statement of Claim filed on or about: March 10, 2020.

Statement of Clarification to Amended Statement of Claim filed on or about: January 7, 2021.

Second Amended Statement of Claim filed on or about: April 5, 2021.

Claimant signed the Submission Agreement: January 11, 2020.

Statement of Answer to Amended Statement of Claim filed on or about: May 1, 2020.

Statement of Answer to Second Amended Statement of Claim filed on or about: May 5, 2021.

Respondent signed the Submission Agreement: April 29, 2020.

CASE SUMMARY

In the Second Amended Statement of Claim, Claimant asserted claims alleging wrongful termination, defamation *per se*, false light, tortious interference with business opportunities and

relationships, and that the Form U5 filed by Respondent, as part of registration records maintained by the Central Registration Depository ("CRD"), is defamatory in nature. Claimant's claims related to the allegation that Respondent terminated Claimant without just cause.

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

RELIEF REQUESTED

In the Second Amended Statement of Claim, Claimant requested compensatory damages, expungement of the Form U5 filed by Respondent, punitive damages, and any and all other relief that is proven at the hearing on the merits.

In the Statement of Answer to Amended Statement of Claim, Respondent requested that the Second Amended Statement of Claim be dismissed in its entirety, that all forum fees and costs be assessed solely against Claimant, together with such other and further relief as is deemed just and proper.

At the hearing, Claimant requested \$5,916,735.00 in total damages, which consisted of \$2,185,629.00 for lost income (full-time); \$731,106.00 for lost income (part-time); \$1,000,000.00 for defamation *per se*; \$1,000,000.00 for disability, mental anguish and humiliation; and \$1,000,000.00 for punitive damages.

OTHER ISSUES CONSIDERED AND DECIDED

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

On April 1, 2021, Respondent filed a Motion to Dismiss Claimant's Amended Statement of Claim ("Motion to Dismiss") pursuant to Rule 13504 of the Code of Arbitration Procedure ("Code"). On May 4, 2021, Claimant filed a Response in Opposition to the Motion to Dismiss, in which he requested that the Panel award reasonable costs and attorneys' fees and other sanctions to him, pursuant to Rule 13504(a)(10-11) of the Code. On May 10, 2021, Respondent filed a Reply in Further Support of the Motion to Dismiss. On the same day, Claimant filed a Limited Sur-Reply to Respondent's Motion to Dismiss. On May 24, 2021, the Panel heard oral arguments on the Motion to Dismiss. In an Order dated the same day, the Panel denied the Motion to Dismiss, deferred Claimant's request for costs and attorneys' fees until the evidentiary hearing, and denied Claimant's request for other sanctions. Herein, the Panel denies Claimant's request for costs and attorneys' fees.

On April 5, 2021, Claimant filed a Motion to Amend Statement of Claim ("Motion to Amend"). On April 16, 2021, Claimant filed notice that Respondent did not object to Claimant's Motion to Amend. In an Order dated April 29, 2021, the Panel granted the Motion to Amend.

On June 1, 2021, Respondent filed a request for an explained decision, which was opposed by Claimant. On the record at the hearing, the Panel denied Respondent's request for an explained decision and, herein, affirms the decision.

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 Number 2053262 maintained by the CRD for Zbigniew Bart Wojewnik (CRD Number 2856985). Any “Yes” answers should be changed to “No,” as applicable.

The Panel recommends expungement based on the defamatory nature of the information. The above recommendations are made with the understanding that the registration records are not automatically amended. Zbigniew Bart Wojewnik must forward a copy of this Award to FINRA’s Credentialing, Registration, Education and Disclosure Department for review.

The Panel recommends that the Termination Explanation and Termination Explanation in Section 3 of Zbigniew Bart Wojewnik’s Form U5 filed by Allstate Financial Services, LLC on November 19, 2019 and maintained by the CRD remain the same.

2. Respondent is liable for and shall pay to Claimant the sum of \$236,000.00 in compensatory damages.
3. Respondent is liable for and shall pay to Claimant \$375.00 to reimburse Claimant for the non-refundable portion of the filing fee previously paid to FINRA Dispute Resolution Services.
4. 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, 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
--------------------------	------	----------

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

Postponement Fees

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

April 5-9, 2021, postponement requested by the parties		Waived
June 1-4, 2021 and June 7, 2021, postponement requested by Respondent	= \$	1,125.00
<hr/>		
Total Postponement Fees	= \$	1,125.00

The Panel has assessed \$562.50 of the postponement fees to Claimant.

The Panel has assessed \$562.50 of the postponement 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 Arbitrator(s), including a pre-hearing conference with the Arbitrator(s), which lasts four (4) hours or less. Fees associated with these proceedings are:

Four (4) pre-hearing sessions with the Panel @ \$1,125.00/session	= \$	4,500.00
Pre-Hearing Conferences:		
May 26, 2020	1 session	
January 6, 2021	1 session	
April 29, 2021	1 session	
May 24, 2021	1 session	
<hr/>		
Twenty-three (23) hearing sessions @ \$1,125.00/session	= \$	25,875.00
Hearings:		
June 21, 2021	2 sessions	
June 22, 2021	2 sessions	
June 23, 2021	2 sessions	
June 24, 2021	2 sessions	
June 25, 2021	2 sessions	
June 28, 2021	2 sessions	
June 29, 2021	2 sessions	
June 30, 2021	2 sessions	
July 1, 2021	2 sessions	
July 2, 2021	2 sessions	
July 8, 2021	2 sessions	
July 9, 2021	1 session	

<hr/>		
Total Hearing Session Fees	= \$	30,375.00

The Panel has assessed \$14,625.00 of the hearing session fees to Claimant.

The Panel has assessed \$15,750.00 of the hearing session fees to Respondent.

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

ARBITRATION PANEL

Ray J. Grzebielski	-	Public Arbitrator, Presiding Chairperson
Michael F. Jordan	-	Public Arbitrator
Michael S. Gregory	-	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

Ray J. Grzebielski

Ray J. Grzebielski
Public Arbitrator, Presiding Chairperson

07/27/2021

Signature Date

Michael F. Jordan

Michael F. Jordan
Public Arbitrator

07/27/2021

Signature Date

Michael S. Gregory

Michael S. Gregory
Non-Public Arbitrator

07/26/2021

Signature Date

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.

July 27, 2021

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