

**Stipulated Award
FINRA Dispute Resolution Services**

In the Matter of the Arbitration Between:

Claimants

Morgan Stanley Smith Barney LLC
Morgan Stanley Smith Barney Financing LLC

Case Number: 20-00360

vs.

Respondent

Robert Satterfield

Hearing Site: Washington, D.C.

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: Member and Non-Member vs. Associated Person

This matter was decided by an all-public panel pursuant to Rule 13802 of the Code of Arbitration Procedure (“Code”).

REPRESENTATION OF PARTIES

For Claimants Morgan Stanley Smith Barney LLC, and Morgan Stanley Smith Barney Financing LLC: Bruce Lewitas, Esq., Lewitas Hyman PC, Chicago, Illinois.

For Respondent Robert Satterfield: Dave Scher, Esq., Hoyer Law Group, PLLC, Washington, District of Columbia.

CASE INFORMATION

Statement of Claim filed on or about: January 30, 2020.

First Amended Statement of Claim filed on or about: May 6, 2021.

Answer to Counterclaim filed on or about: June 3, 2020.

Morgan Stanley Smith Barney LLC signed the Submission Agreement: January 30, 2020.

Morgan Stanley Smith Barney Financing LLC signed the Submission Agreement: July 20, 2021.

Statement of Answer and Counterclaim filed by Respondent on or about: April 30, 2020.

Robert Satterfield signed the Submission Agreement: May 1, 2020.

CASE SUMMARY

In the Statement of Claim, Claimant Morgan Stanley Smith Barney LLC asserted the following cause of action: breach of promissory notes.

In the First Amended Statement of Claim, Claimants asserted the following case of action: breach of promissory notes.

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

In the Counterclaim, Respondent asserted the following causes of action: wrongful termination; unlawful discrimination; and retaliation in violation of statutory law.

Unless specifically admitted in its Answer to the Counterclaim, Claimant Morgan Stanley Smith Barney LLC denied the allegations made in the Counterclaim and asserted various affirmative defenses.

RELIEF REQUESTED

In the First Amended Statement of Claim, Claimants requested: on Note 1, compensatory damages in the amount of \$1,302,540.00, plus the total interest due as of Respondent's termination date in the amount of \$8,820.37, plus pre-award interest at the rate of 6.00% per annum, or \$214.12 per day, from January 3, 2020 to the date of award; on Note 2, compensatory damages in the amount of \$183,814.25, plus the total interest due as of Respondent's termination date in the amount of \$547.41, plus pre-award interest at the rate of 6.00% per annum, or \$30.22 per day, from January 3, 2020 to the date of award; post-award interest at the legal rate; fees and expenses, including FINRA filing fee and all FINRA forum fees; reasonable attorneys' fees; and such other and further relief as the Panel deems appropriate.

In the Statement of Answer and Counterclaim, Respondent requested: unspecified compensatory damages; reinstatement; back pay; interest; attorneys' fees; and costs.

In the Answer to the Counterclaim, Claimant Morgan Stanley Smith Barney LLC requested that the Counterclaim be dismissed in its entirety, costs and fees.

OTHER ISSUES CONSIDERED AND DECIDED

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

On April 30, 2021, Claimant Morgan Stanley Smith Barney LLC filed a Notice of Promissory Note Assignment and Agreed Motion to Add Morgan Stanley Smith Barney Financing LLC as a Claimant. By Order dated May 6, 2021, the Panel granted Claimant's Notice of Promissory Note Assignment and Agreed Motion to Add Morgan Stanley Smith Barney Financing LLC as a Claimant.

On July 20, 2021, the parties filed a Joint Motion for Entry of a Stipulated Award. On July 28, 2021, the Panel granted the motion.

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

AWARD

The parties entered into an agreement to present to the Panel a Stipulated Award. Now, in lieu of a hearing and upon motion of both parties for entry of a Stipulated Award, and the written stipulation thereto, the Panel grants the motion and enters this Stipulated Award granting the following relief:

1. Respondent is liable for and shall pay to Claimants the sum of \$1,498,523.45 in compensatory damages.
2. Respondent is liable for and shall pay to Claimants accrued post-termination interest in the amount of \$137,765.23.
3. Respondent is liable for and shall pay to Claimants interest at the rate of \$239.59 per day from July 31, 2021 until all sums due are fully paid.
4. Respondent is liable for and shall pay to Claimants the sum of \$182,643.11.00 in attorneys' fees and costs pursuant to the terms of the promissory notes.
5. Claimants shall not seek confirmation or further enforcement of this Stipulated Award before September 30, 2021.
6. Respondent's claims, including for unlawful discrimination and retaliation in violation of statutory law, are denied.
7. Any and all claims for relief not specifically addressed herein are denied.

FEES

Pursuant to the Code of Arbitration Procedure ("Code"), the following fees are assessed:

Filing Fees

FINRA Dispute Resolution Services will retain or collect the non-refundable filing fees* for each claim:

Initial Claim Filing Fee	= \$	3,400.00
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 that employed the associated person at the time of the events giving rise to the dispute. Accordingly, as a party, Claimant Morgan Stanley Smith Barney LLC is assessed the following:

Member Surcharge	= \$	3,025.00
Member Process Fee	= \$	6,175.00

Postponement Fees

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

July 27-30, 2021, postponement requested by the parties	= \$	1,400.00
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Total Postponement Fees	= \$	1,400.00
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The Panel has assessed the total postponement fees to Respondent.

Last-Minute Cancellation Fees

Fees apply when a hearing on the merits is cancelled within ten calendar days before the start of a scheduled hearing session:

July 27-30, 2021, postponement requested by the parties	= \$	1,800.00
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Total Last-Minute Cancellation Fees	= \$	1,800.00
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The Panel has assessed the total last-minute cancellation fees to Respondent.

Discovery-Related Motion Fees

Fees apply for each decision rendered on a discovery-related motion.

Two (2) decisions on discovery-related motions on the papers with the Panel @ \$600.00/decision	= \$	1,200.00
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Claimants submitted one (1) discovery-related motion
Respondent submitted one (1) discovery-related motion

Total Discovery-Related Motion Fees	= \$	1,200.00
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The Panel has assessed the total discovery-related motion 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 Arbitrators, including a pre-hearing conference with the Arbitrators, which lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) pre-hearing session with the Panel @ \$1,400.00/session	= \$	1,400.00
Pre-Hearing Conference: July 21, 2020	1 session	

Decision on the papers:	= \$	300.00
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Total Hearing Session Fees	= \$	1,700.00
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The Panel has assessed the total hearing session fees to Respondent.

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

ARBITRATION PANEL

David Paul Clark	-	Public Arbitrator, Presiding Chairperson
Geoffrey A. Drucker	-	Public Arbitrator
Francis Henry Dong	-	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

David Paul Clark

David Paul Clark
Public Arbitrator, Presiding Chairperson

08/04/2021

Signature Date

Geoffrey A. Drucker

Geoffrey A. Drucker
Public Arbitrator

08/04/2021

Signature Date

Francis Henry Dong

Francis Henry Dong
Public Arbitrator

08/03/2021

Signature Date

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August 05, 2021

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

