

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimants

Bruce L. Rogers
Kent Rogers

Case Number: 20-00839

vs.

Respondent

Dinosaur Financial Group, L.L.C

Hearing Site: Louisville, Kentucky

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: Customers vs. Member

This case was decided by an all-public panel.

The evidentiary hearing was conducted by videoconference.

REPRESENTATION OF PARTIES

For Claimants Bruce L. Rogers and Kent Rogers (collectively “Claimants”): Bruce D. Oakes, Esq. and Richard B. Fosher, Esq., Oakes & Fosher, LLC, St. Louis, Missouri.

For Respondent Dinosaur Financial Group, L.L.C (“Respondent”): Paul B. Koepp, Esq., Seward & Kissel LLP, New York, New York.

CASE INFORMATION

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

Amended Statement of Claim filed on or about: August 12, 2020.

Claimants signed the Submission Agreement: August 12, 2020.

Statement of Answer filed on or about: July 20, 2020.

Answer to Amended Statement of Claim filed on or about: October 12, 2020.

Respondent signed the Submission Agreement: July 21, 2020.

CASE SUMMARY

In the Statement of Claim, as amended, Claimants asserted the following causes of action: breach of fiduciary duty, common law fraud, breach of contract, negligence, negligent misrepresentation, omission, restitution, and negligent supervision. The causes of action relate

to Claimants' allegations that Respondent's agent engaged in reckless, self-serving, and fraudulent conduct whereby he recommended two direct participation programs and two life settlement products solely because they were massive commission-generating products, and he did so knowing that the products were not suitable, and resulted in exorbitant commissions and fees. The securities at issue include GPB Capital Automotive DPP, VoCare DPP, and Viatical Life Settlements.

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

RELIEF REQUESTED

In the Statement of Claim, as amended, Claimants requested:

1. Compensatory damages in an approximate amount of \$500,000.00;
2. Punitive damages;
3. Pre-judgement interest;
4. Attorneys' fees;
5. Costs;
6. Filing and forum fees; and
7. Such other and further relief that the Panel deems just and proper.

In the Answer to the Amended Statement of Claim, Respondent requested:

1. Claimants' claim be dismissed;
2. Claimants' claim be expunged under FINRA Rule 2080;
3. Costs and disbursements in defending this matter, including attorneys' fees; and
4. Any further relief the Panel deems just and equitable.

OTHER ISSUES CONSIDERED AND DECIDED

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

On August 12, 2020, Bruce L. Rogers filed a Motion to Amend the Statement of Claim ("Motion to Amend"). On August 14, 2020, Respondent filed a response in opposition to the Motion to Amend ("Opposition"). On August 19, 2020, Bruce L. Rogers filed a reply to the Opposition. By an Order dated September 21, 2020, the Panel granted the Motion to Amend.

Respondent requested expungement of this matter from its Central Registration Depository ("CRD") records. This arbitration is not disclosed on Respondent's CRD record and thus cannot be expunged.

On October 27, 2021, Claimants filed a Motion for Zoom Hearing ("Motion for Zoom"). On November 2, 2021, Respondent filed a response in opposition to the Motion for Zoom. On November 8, 2021, Claimants filed a reply in support of their Motion for Zoom. In an Order dated November 18, 2021, the Panel denied the Motion for Zoom.

On December 2, 2021, Claimants filed an Emergency Motion for Reconsideration Regarding Zoom Hearing, and Alternative Request to Allow Certain Witnesses to Testify via Zoom ("Motion for

Reconsideration”). On the same date, Respondent filed a response in opposition to the Motion for Reconsideration. In an Order dated, December 8, 2021, the Panel granted the Motion for Reconsideration and ordered that the evidentiary hearing be conducted via Zoom. Accordingly, the December 14-17, 2021 evidentiary hearing was conducted via Zoom.

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. Claimants’ 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, the following fees are assessed:

Filing Fees

FINRA Dispute Resolution Services assessed a filing fee* for each claim:

Initial Claim Filing Fee = \$ 1,425.00

**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

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:

Three (3) pre-hearing sessions with the Panel @ \$1,125.00/session = \$ 3,375.00

Pre-Hearing Conferences: September 21, 2020 1 session

March 2, 2021 1 session

November 18, 2021 1 session

Four (4) hearing sessions @ \$1,125.00/session = \$ 4,500.00

Hearings: December 14, 2021 2 sessions

December 15, 2021 2 sessions

Total Hearing Session Fees =\$ 7,875.00

The Panel has assessed \$5,062.50 of the hearing session fees jointly and severally to Claimants.

The Panel has assessed \$2,812.50 of the hearing session fees to Respondent.

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

ARBITRATION PANEL

Richard W. Dissen	-	Public Arbitrator, Presiding Chairperson
Amelia F. Adams	-	Public Arbitrator
Allen M. Kerpan	-	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

Richard W. Dissen

Richard W. Dissen
Public Arbitrator, Presiding Chairperson

12/22/2021

Signature Date

Amelia F. Adams

Amelia F. Adams
Public Arbitrator

12/28/2021

Signature Date

Allen M. Kerpan

Allen M. Kerpan
Public Arbitrator

12/23/2021

Signature Date

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December 28, 2021

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