

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Christopher Dudley Wright

Case Number: 20-01992

vs.

Respondent
Northwestern Mutual Investment Services, LLC

Hearing Site: St. Louis, Missouri

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

The evidentiary hearing was conducted by videoconference.

REPRESENTATION OF PARTIES

For Claimant Christopher Dudley Wright (“Claimant”): Jennifer P. Farrar, Esq., Farrar Law PLLC, Tomball, Texas.

For Respondent Northwestern Mutual Investment Services, LLC (“Respondent”): Thomas K. Anderson, Esq., The Northwestern Mutual Life Insurance Company, Milwaukee, Wisconsin.

CASE INFORMATION

Statement of Claim filed on or about: July 11, 2020.
Amended Statement of Claim filed on or about: March 4, 2021.
Claimant signed the Submission Agreement: June 19, 2020.

Statement of Answer filed on or about: September 25, 2020.
Respondent signed the Submission Agreement: September 25, 2020.

CASE SUMMARY

In the Statement of Claim, Claimant asserted a claim seeking expungement of customer dispute information and the Form U5 filed by Respondent from registration records maintained by the Central Registration Depository (“CRD”).

In the Statement of Answer, Respondent opposed Claimant’s expungement request, denied the allegations in the Statement of Claim to the extent they suggested Respondent engaged in wrongdoing, and asserted various affirmative defenses.

In the Amended Statement of Claim, Claimant only asserted a claim seeking expungement of customer dispute information from registration records maintained by the CRD.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested expungement of Occurrence Numbers 1085380, 1286594, and 1640656; expungement of the Form U5 filed by Respondent; compensatory damages in the amount of \$1.00; and any and all other relief the Arbitrator deems just and equitable.

In the Statement of Answer, Respondent requested that the Arbitrator deny Claimant's request damages and assess all forum or hearing fees relating to this matter solely to Claimant.

In the Amended Statement of Claim, Claimant requested expungement of Occurrence Numbers 1085380, 1286594, and 1640656; compensatory damages in the amount of \$1.00; and any and all other relief the Arbitrator deems just and equitable.

OTHER ISSUES CONSIDERED AND DECIDED

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

On November 20, 2020, Respondent filed a Motion for Dismissal of the Statement of Claim, pursuant to Rules 13504 and 13206 of the Code of Arbitration Procedure ("Code"), to which no Response was filed.

On December 4, 2020, Claimant advised that the customers in Occurrence Numbers 1085380, 1286594, and 1640656 (collectively, "Customers") were served with the Statement of Claim and notice of the date and time of the expungement hearing.

On March 4, 2021, Claimant filed an Unopposed Motion to Amend the Statement of Claim.

The Arbitrator conducted a recorded, telephonic hearing on March 17, 2021, so the parties could present oral argument and evidence on Claimant's request for expungement.

Respondent participated in the expungement hearing.

The Customers did not participate in the expungement hearing.

At the hearing, Respondent withdrew the Motion to Dismiss, due to the filing of the Unopposed Motion to Amend the Statement of Claim, in accordance with the parties' agreement. On the record, the Arbitrator granted Claimant's Motion to Amend the Statement of Claim and adjourned the hearing. In an Order dated March 17, 2021, the Arbitrator affirmed her decision.

On March 18, 2021, Claimant advised that the Customers were served with the Amended Statement of Claim and notice of the date and time of the rescheduled expungement hearing ("Second Notices"). On April 8, 2021, Claimant filed the USPS tracking information available online for the Second Notices.

The Arbitrator conducted a recorded hearing by videoconference on April 9, 2021, so the parties could present oral argument and evidence on Claimant's request for expungement.

Respondent participated in the expungement hearing.

The Customers did not participate in the expungement hearing. The Arbitrator found that the Customers had notice of the expungement request and hearings.

The Arbitrator reviewed Claimant's BrokerCheck® Report. The Arbitrator noted that a prior arbitration panel or court did not previously rule on expungement of the same occurrences in the CRD.

The Arbitrator noted that the disputes related to Occurrence Numbers 1085380, 1286594, and 1640656 were not settled and, therefore, there were no settlement documents to review.

In recommending expungement, the Arbitrator relied upon the following documentary or other evidence: BrokerCheck Report® and Claimant's testimony.

AWARD

After considering the pleadings, the testimony and evidence presented at the expungement hearing, and any post-hearing submissions, the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimant's claim for \$1.00 in compensatory damages is denied.
2. The Arbitrator recommends the expungement of all references to Occurrence Numbers 1085380, 1286594, and 1640656 from registration records maintained by the CRD for Claimant Christopher Dudley Wright (CRD Number 1606410) with the understanding that, pursuant to Notice to Members 04-16, Claimant Christopher Dudley Wright must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

Unless specifically waived in writing by FINRA, parties seeking judicial confirmation of an arbitration award containing expungement relief must name FINRA as an additional party and serve FINRA with all appropriate documents.

Pursuant to Rule 13805 of the Code, the Arbitrator has made the following Rule 2080 affirmative finding of fact:

The claim, allegation, or information is factually impossible or clearly erroneous.

The Arbitrator has made the above Rule 2080 finding, for Occurrence Numbers 1085380, 1286594, and 1640656, based on the following reasons:

All three of the customer complaints were made more than 9 years ago, were investigated by Respondent and found to be without merit, and were denied without any settlement money being paid to the Customers. Furthermore, the

complaints were made long after the insurance products were purchased. Claimant proved what he sold and why he sold the insurance products to the Customers. He provided the Customers with all background information and requisite documentation before the purchases were made. Respondent, again, provided all requisite information to the Customers in response to the complaints. The language used by the Customers in their complaints demonstrated a misunderstanding about the insurance products they purchased. They received insurance coverage – a tangible benefit - from the insurance products they purchased.

3. Any and all claims for relief not specifically addressed herein 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	= \$	50.00
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**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	= \$	150.00
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Late Pre-Hearing Cancellation Fees

Fees apply when a pre-hearing conference is cancelled within three business days of the scheduled conference:

January 20, 2021, cancellation requested jointly by the parties	= \$	100.00
March 4, 2021, cancellation requested by Claimant	= \$	100.00
Total Late Pre-Hearing Cancellation Fees	= \$	200.00

The Arbitrator has assessed \$150.00 of the late pre-hearing cancellation fees to Claimant.

The Arbitrator has assessed \$50.00 of the late pre-hearing cancellation fees to Respondent.

Postponement Fees

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

January 27, 2021, postponement requested jointly by the parties	= \$	100.00
Total Postponement Fees	= \$	100.00

The Arbitrator has assessed the total postponement fees to Claimant.

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:

January 27, 2021, cancellation requested jointly by the parties	= \$	600.00
Total Last-Minute Cancellation Fees	= \$	600.00

The Arbitrator has assessed the total last-minute cancellation fees to Claimant.

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:

One (1) pre-hearing session @ \$50.00/session	= \$	50.00
Pre-Hearing Conference: November 13, 2020	1 session	
Two (2) hearing sessions on expungement request @ \$50.00/session	= \$	100.00
Hearings: March 17, 2021	1 session	
April 9, 2021	1 session	
Total Hearing Session Fees	= \$	150.00

The Arbitrator has assessed the total hearing session fees to Claimant.

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

ARBITRATOR

Kim L. Kirn

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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

Kim L. Kirn

Kim L. Kirn
Sole Public Arbitrator

04/21/2021

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.

April 22, 2021

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