

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant

Anthony Dean Bagneschi

Case Number: 20-02521

vs.

Respondent

J.P. Morgan Securities LLC

Hearing Site: Detroit, Michigan

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 administered under the Special Proceeding option for simplified cases.

REPRESENTATION OF PARTIES

For Claimant Anthony Dean Bagneschi (“Claimant”): Kurt Zimmerman, Esq., HLBS Law, Westminster, Colorado.

For Respondent J.P. Morgan Securities LLC (“Respondent”): Jeffrey S. Dunlap, Esq., Ulmer & Berne LLP, Cleveland, Ohio and Alyson Terrell, Esq., Ulmer & Berne LLP, Columbus, Ohio.

CASE INFORMATION

Statement of Claim filed on or about: August 6, 2020.

Claimant signed the Submission Agreement: August 6, 2020.

Statement of Answer filed on or about: October 15, 2020.

Respondent signed the Submission Agreement: October 14, 2020.

CASE SUMMARY

In the Statement of Claim, Claimant asserted a claim alleging that the Form U5 filed by Respondent, as part of registration records maintained by the Central Registration Depository, is defamatory in nature.

Unless specifically admitted in the Statement of Answer, Respondent denied the allegations made in the Statement of Claim.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested expungement of the Form U5 filed by Respondent and relevant portions of the related Form U4, \$1.00 in compensatory damages, and any other relief the Arbitrator deems just and equitable.

In the Statement of Answer, Respondent did not request any specific relief.

OTHER ISSUES CONSIDERED AND DECIDED

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

On October 15, 2020, Respondent filed a Motion to Dismiss pursuant to Rule 13206 of the Code of Arbitration Procedure (“Code”). On November 6, 2020, Claimant filed a Response in opposition to the Motion to Dismiss. On November 13, 2020, Respondent filed a Reply in Support of the Motion to Dismiss. On January 8, 2021, the Arbitrator heard oral arguments on the Motion to Dismiss and herein grants the Motion to Dismiss on the grounds that:

The six-year eligibility cutoff has expired. Rule 13206 of the Code specifically states that a claim cannot be arbitrated if filed more than six years after the occurrence of the event which gave rise to the claims. The six-year eligibility rule, which is not subject to tolling, serves as an absolute bar to claims submitted for arbitration when six years have elapsed after the event which gave rise to the dispute. In this case, Respondent filed the Form U5 in question on April 10, 2014 and Claimant received noticed of it well over six years before filing his Statement of Claim on August 6, 2020. Therefore, the case is dismissed.

Respondent’s Motion to Dismiss pursuant to Rule 13206 of the Code is granted by the Arbitrator without prejudice to any right Claimant has to file in court; Claimant is not prohibited from pursuing his claims in court pursuant to Rule 13206(b) of the Code.

AWARD

After considering the pleadings, the Motion to Dismiss and all responses thereto, and the arguments presented during the pre-hearing conference, the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

Claimant’s claims are dismissed in their entirety, pursuant to Rule 13206 of the Code.

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

**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

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:

Two (2) pre-hearing sessions @ \$50.00/session = \$ 100.00
Pre-Hearing Conferences: December 21, 2020 1 session
January 8, 2021 1 session

Total Hearing Session Fees = \$ 100.00

The Arbitrator has assessed \$100.00 of the hearing session fees to Claimant.

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

ARBITRATOR

Timothy J. Currier

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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

Timothy J. Currier

Timothy J. Currier
Sole Public Arbitrator

01/13/2021

Signature Date

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January 13, 2021

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