

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Joshua Shapiro

Case Number: 20-02542

vs.

Respondent
Prudential Annuities Distributors, Inc.

Hearing Site: Hartford, Connecticut

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 Joshua Shapiro: Dochter Kennedy, MBA, J.D., and Frances Menzer, Esq., AdvisorLaw, LLC, Westminster, Colorado.

For Respondent Prudential Annuities Distributors, Inc.: Ephraim J. Pierre, Esq., Seyfarth Shaw, LLP, New York, New York.

CASE INFORMATION

Statement of Claim filed on or about: August 7, 2020.
Joshua Shapiro signed the Submission Agreement: August 7, 2020.

Statement of Answer filed by Respondent on or about: December 4, 2020.
Prudential Annuities Distributors, Inc. signed the Submission Agreement: December 4, 2020.

CASE SUMMARY

In the Statement of Claim, Claimant asserted a claim seeking expungement of Form U5 termination entry based upon the inaccurate and defamatory nature of the entry in Claimant's Central Registration Depository ("CRD") records.

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

RELIEF REQUESTED

In the Statement of Claim, Claimant requested expungement of the Form U5 amendments associated with both Occurrence Numbers 2052229 and Occurrence Number 2053763, and those relevant portions of the Form U4, from Claimant's CRD record, on the basis that the statements are defamatory in nature, misleading, inaccurate, and/or erroneous, to include: expungement of the Reason for Termination explanation on Claimant's CRD; amendment of the answer to question 7B on the Form U5 to "No"; amendment of the answers to questions 7F(1) and 7F(2) on the Form U5 to "No"; amendment of the answer to question 14J(1) on the Form U4 to "No"; and deletion of the Internal Review and Termination Disclosure Reporting Pages accompanying Occurrence Numbers 2052229 and 2053763 in their entirety; in the absence of a finding of an award granting expungement of both reportings, Claimant requests that one of the two identical termination disclosures on Claimant's BrokerCheck® record be rescinded or amended, as the two entries refer to the same, single termination event; compensatory damages in the amount of \$1.00 from Respondent for its part in contributing to Claimant's injury; and any other relief as the Arbitrator deems just and equitable.

In the Statement of Answer, Respondent requested that the Arbitrator enter an award in its favor denying all of the relief sought in the Statement of Claim and awarding additional relief as follows: dismissing the Statement of Claim in its entirety on the merits; granting to Respondent its costs and attorneys' fees incurred in defending against the Statement of Claim, and granting Respondent such other and further relief as the Arbitrator deems just and proper.

At the hearing, Claimant withdrew the request for \$1.00 in damages.

OTHER ISSUES CONSIDERED AND DECIDED

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

AWARD

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

1. The Arbitrator denies Claimant's expungement requests with the limited exception of the below relief:

The Arbitrator recommends the expungement of the answer to Question 7F(2) on the Termination Disclosure Reporting Page concerning Occurrence Numbers 2052229 and 2053763 on Joshua Shapiro's (CRD# 4681986) registration records maintained by the CRD. The "Yes" answers to question 7F(2) should be changed to "No."

The above recommendations are made with the understanding that the registration records are not automatically amended. Joshua Shapiro must obtain confirmation of this Award from a court of competent jurisdiction, before the CRD will execute the expungement directive, and must forward a copy of the Court Order to FINRA's Credentialing, Registration, Education and Disclosure Department for the amendments to be incorporated into the Registration Records.

2. 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 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 that employed the associated person at the time of the events giving rise to the dispute. Accordingly, as a party, Respondent Prudential Annuities Distributors, Inc. is assessed the following:

Member Surcharge	= \$	150.00
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Contested Motion for Issuance of Subpoena Fees

Fees apply for each decision on a contested motion for the issuance of a subpoena.

One (1) decision on a contested motion for the issuance of a subpoena with one (1) Arbitrator @ \$200.00	= \$	200.00
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Total Contested Motion for Issuance of Subpoena Fees	= \$	200.00
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The Arbitrator has assessed the total contested motion for issuance of subpoena fees to Respondent.

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 with a single Arbitrator @ \$50.00/session Pre-Hearing Conference: January 14, 2021	1 session	= \$	50.00
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Four (4) hearing sessions @ \$50.00/session Hearings: November 9, 2021	2 sessions	= \$	200.00
November 10, 2021	2 sessions		

Total Hearing Session Fees	= \$	250.00
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The Arbitrator has assessed \$125.00 of the hearing session fees to Claimant.

The Arbitrator has assessed \$125.00 of the hearing session fees to Respondent.

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

ARBITRATOR

Sean Alan D'Amico - 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

Sean Alan D'Amico

Sean Alan D'Amico
Sole Public Arbitrator

12/12/2021

Signature Date

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December 15, 2021

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