

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant

Jon F. Sipe and Christine Sipe JT TEN/WROS

Case Number: 20-02805

vs.

Respondents

Dennis Vincent Riordan, Kerri Lynn Wasserman-Nir,
and Howard Joseph Allen, III

Hearing Site: Chicago, Illinois

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: Customer vs. Associated Persons

REPRESENTATION OF PARTIES

For Claimant Jon F. Sipe and Christine Sipe JT TEN/WROS (“Claimants”): David Vermont, Esq., Securities Arbitration Law Group, Washington, District of Columbia.

For Respondent Dennis Vincent Riordan (“Riordan”): Paul Goodman, Esq., Cyruli Shanks & Zizmor LLP, New York, New York.

Respondent Kerri Lynn Wasserman-Nir (“Wasserman-Nir”) appeared pro se.

Respondent Howard Joseph Allen, III (“Allen”) appeared pro se.

Riordan, Wasserman-Nir, and Allen collectively referred to herein as “Respondents.”

CASE INFORMATION

Statement of Claim filed on or about: August 27, 2020.

Claimants signed the Submission Agreement: August 26, 2020.

Statement of Answer filed by Riordan on or about: January 22, 2021.

Riordan did not sign the Submission Agreement.

Statement of Answer filed by Wasserman-Nir and Allen on or about: October 30, 2020.

Wasserman-Nir and Allen signed the Submission Agreement: October 30, 2020.

CASE SUMMARY

In the Statement of Claim, Claimants asserted the following causes of action: unauthorized trading, fraud, misrepresentation, negligence, breach of contract, and breach of fiduciary duty. The causes of action related to Claimants' allegation that, without authorization, Riordan sold Claimants' Amarin Corporation plc stock at a loss and purchased stock in MGT Capital Investments, Inc., OPKO Health, Inc., ReneSola Ltd., Revolution Lighting Technologies, Inc., and Vale E A.

Unless specifically admitted in the Statement of Answer, Wasserman-Nir and Allen denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

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

RELIEF REQUESTED

In the Statement of Claim, Claimants requested compensatory damages in the amount of \$37,761.00 or that amount of compensatory damages the Arbitrator deems to be appropriate, subject to proof at hearing; interest, at the statutory rate, as provided by law; reimbursement for reasonable costs, attorneys' fees, travel, and expert witnesses; and punitive damages.

In the Statement of Answer, Wasserman-Nir and Allen requested that the Statement of Claim be dismissed with prejudice, that Claimant be assessed all forum fees and other FINRA charges, reimbursement of Portfolio Advisors Alliance, LLC's member surcharges, and such other and further relief as is permitted by law and which the Arbitrator deems just and proper.

In the Statement of Answer, Riordan requested that the Statement of Claim be denied in its entirety.

OTHER ISSUES CONSIDERED AND DECIDED

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

Riordan did not file a properly executed Submission Agreement but is required to submit to arbitration pursuant to the Code of Arbitration Procedure ("Code") and, having answered the claim, is bound by the determination of the Arbitrator on all issues submitted.

On December 2, 2020, Wasserman-Nir and Allen filed a Motion to Dismiss pursuant to Rule 12206 of the Code, to which no response was filed.

On February 12, 2021, Claimant filed a Notice of Settlement and Dismissal With Prejudice for the claims against Wasserman-Nir and Allen. Accordingly, the Panel made no determination on the claims against Wasserman-Nir and Allen and the Motion to Dismiss became moot.

On June 3, 2021, Riordan filed a Motion to Dismiss pursuant to Rule 12206 of the Code ("Riordan's Motion to Dismiss"). On July 1, 2021, Claimants' filed a Response to Riordan's Motion to Dismiss. On July 20, 2021, the Arbitrator heard oral arguments on Riordan's Motion to Dismiss. The Arbitrator herein grants Riordan's Motion to Dismiss on the following grounds:

Rule 12206(a) provides that no claim shall be eligible for submission to arbitration where six years have elapsed from the occurrence or event giving rise to the claim. More than six years have passed since the complained of trades were made. The account transfer and the loss from the sale of stock occurred in 2013. Claimants closed their account with the broker in 2014. The claim was filed in 2020. While Claimants stated that the occurrence or event giving rise to the claim was when they learned of the true ownership of the brokerage company in 2017, I find that there was no nexus between any loss and learning of the true ownership of the company. Therefore, the six-year time limit expired in 2019.

Riordan's Motion to Dismiss pursuant to Rule 12206 of the Code is granted by the Arbitrator without prejudice to any right Claimants have to file in court; Claimants are not prohibited from pursuing their claims in court pursuant to Rule 12206(b) of the Code.

AWARD

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

Claimants' claims are denied in their entirety pursuant to Rule 12206 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	= \$	600.00
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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 Respondents' former firm, Portfolio Advisors Alliance, LLC is assessed the following:

Member Surcharge	= \$	750.00
Member Process Fee	= \$	1,750.00

Postponement Fees

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

June 7-9, 2021, postponement requested by parties	Waived
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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:

June 7-9, 2021, cancellation requested by parties

Waived

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:

Three (3) pre-hearing sessions with a single Arbitrator @ \$450.00/session	= \$	1,350.00
Pre-Hearing Conferences: December 23, 2020	1 session	
June 7, 2021	1 session	
July 20, 2021	1 session	

Total Hearing Session Fees	= \$	1,350.00
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The Arbitrator has assessed \$675.00 of the hearing session fees jointly and severally to Claimant.

The Arbitrator has assessed \$225.00 of the hearing session fees jointly and severally to Respondents.

The Arbitrator has assessed \$450.00 of the hearing session fees to Riordan.

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

ARBITRATOR

Marcia Bonita Gevers

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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

Marcia Bonita Gevers

Marcia Bonita Gevers
Sole Public Arbitrator

08/02/2021

Signature Date

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August 02, 2021

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