

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant

Gerald James O'Halloran

Case Number: 20-03223

vs.

Respondents

A.G. Edwards & Sons, Inc. and
Edward Jones

Hearing Site: Tampa, Florida

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. Members

REPRESENTATION OF PARTIES

For Claimant Gerald James O'Halloran ("Claimant"): Jennifer P. Farrar, Esq., Farrar Law, PLLC, Tomball, Texas.

For Respondent A.G. Edwards & Sons, Inc., Wells Fargo Clearing Services, LLC, appeared as the real party in interest ("Wells Fargo"): Deirdre Wolff, Esq., Wells Fargo, St. Louis, Missouri.

For Respondent Edward D. Jones & Co., L.P. n/k/a Edward Jones ("Edward Jones"): Jonathan W. Hackbarth, Esq., Quarles & Brady LLP, Milwaukee, Wisconsin.

CASE INFORMATION

Statement of Claim filed on or about: September 11, 2020.

Amended Statement of Claim filed on or about: August 10, 2021.

Claimant signed the Submission Agreements: September 14, 2020 and August 20, 2021.

Statement of Answer filed by Wells Fargo on or about: November 3, 2020

Statement of Answer to Amended Statement of Claim filed by Wells Fargo on or about: October 17, 2021

Wells Fargo signed the Submission Agreement: November 2, 2021.

Statement of Answer to Amended Statement of Claim filed by Edward Jones on or about: October 11, 2021.

Edward Jones signed the Submission Agreement: September 10, 2021.

CASE SUMMARY

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

In the Statement of Answer to Statement of Claim, as amended, Wells Fargo did not take a position on Claimant’s expungement request and asserted affirmative defenses.

In the Statement of Answer to Statement of Claim, as amended, Edward Jones did not oppose Claimant’s expungement request but denied any allegation of wrongdoing.

RELIEF REQUESTED

In the Statement of Claim, as amended, Claimant requested expungement of Occurrence Numbers 805738 and 302679, compensatory damages in the amount of \$1.00, and any and all other relief that the Arbitrator deems just and equitable.

In the Statement of Answer to Statement of Claim, as amended, Wells Fargo did not request any relief.

In the Statement of Answer to Amended Statement of Claim, Edward Jones requested denial of any claim for damages or liability.

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.

On July 8, 2021, Claimant filed an Unopposed Request to Amend the Statement of Claim “Motion to Amend.” On July 15, 2020, Wells Fargo replied to Claimant’s Motion to Amend. In an Order dated July 18, 2021, the Arbitrator denied Claimant’s Motion to Amend without prejudice.

On August 10, 2021, Claimant filed a (Second) Unopposed Motion to Amend the Statement of Claim (“Second Motion to Amend”). On August 16, 2021, Wells Fargo responded to Claimant’s Second Motion to Amend. In an Order dated August 29, 2021, the Arbitrator granted the Second Motion to Amend. Accordingly, Edward Jones was added as a respondent.

The Arbitrator conducted a recorded, telephonic on December 14, 2021, so the parties could present oral argument and evidence on Claimant’s request for expungement.

Wells Fargo participated in the expungement hearing and, as stated in the Statement of Answer, took no position on the request for expungement.

Edward Jones participated in the expungement hearing and, as stated in the Statement of Answer, did not oppose the request for expungement.

The customers in Occurrence Numbers 805738 and 302679 did not participate in the expungement hearing.

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 request for expungement of Occurrence Numbers 805738 and 302679 from registration records maintained by the CRD is denied.
2. Any and all claims for relief not specifically addressed herein 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	= \$	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 parties, Wells Fargo and Edward Jones are each assessed the following:

Member Surcharge	= \$	150.00
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Postponement Fees

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

March 16, 2021, postponement requested by Claimant	= \$	50.00
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May 11, 2021, postponement requested by Claimant	= \$	50.00
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Total Postponement Fees	= \$	100.00
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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:

March 16, 2021, cancellation requested by Claimant	= \$	600.00
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May 11, 2021, cancellation requested by Claimant	= \$	600.00
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Total Last-Minute Cancellation Fees	= \$	1200.00

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:

Two (2) pre-hearing sessions @ \$50.00/session	= \$	100.00
Pre-Hearing Conferences: January 22, 2021	1 session	
November 4, 2021	1 session	
Two (2) hearing sessions on expungement request @ \$50.00/session	= \$	100.00
Hearings: July 15, 2021	1 session	
December 14, 2021	1 session	
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Total Hearing Session Fees	= \$	200.00

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

Darryl C. Wilson

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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

Darryl C. Wilson

Darryl C. Wilson
Sole Public Arbitrator

12/17/2021

Signature Date

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December 17, 2021

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