

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Rey Dante Deborja, Jr.

Case Number: 20-03369

vs.

Respondent
Merrill Lynch Pierce Fenner & Smith Inc.

Hearing Site: San Francisco, California

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

REPRESENTATION OF PARTIES

For Claimant Rey Dante Deborja, Jr. (“Claimant”): Kartikey Pradhan, Esq., Kaufman Dolovich & Voluck LLP, San Francisco, California.

For Respondent Merrill Lynch Pierce Fenner & Smith Inc. (“Respondent”): Patrick J. Mulligan, Esq., Bressler, Amery & Ross, P.C., Birmingham, Alabama.

CASE INFORMATION

Statement of Claim filed on or about: October 23, 2020.
Claimant signed the Submission Agreement: September 14, 2020.

Statement of Answer filed on or about: January 18, 2021.
Respondent signed the Submission Agreement: January 18, 2021.

CASE SUMMARY

In the Statement of Claim, 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, Respondent took no position on Claimant’s expungement request made in the Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested:

1. Expungement of Occurrence Number 1456277 from his CRD records; and
2. Compensatory damages in the amount of \$1.00 from Respondent.

In the Statement of Answer, Respondent did not make a relief request.

OTHER ISSUES CONSIDERED AND DECIDED

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

The Award in this matter may be executed in counterpart copies.

AWARD

After considering the pleadings, the testimony and evidence presented at the expungement hearing, and any post-hearing submissions, the Panel 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. Claimant's (CRD Number 4543416) request for expungement of Occurrence Number 1456277 from his registration records maintained by the CRD is 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	= \$	1,575.00
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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 event giving rise to the dispute. Accordingly, as a party, Respondent is assessed the following:

Member Surcharge	= \$	1,900.00
Member Process Fee	= \$	3,750.00

Late Pre-Hearing Cancellation Fees

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

March 3, 2021, cancellation requested Claimant and Respondent	= \$	300.00
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Total Late Pre-Hearing Cancellation Fees	= \$	300.00
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The Panel has assessed \$150.00 of the late pre-hearing cancellation fees to Claimant.

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

Hearing Session Fees and Assessments

The Panel has assessed hearing session fees for each session conducted. A session is any meeting between the parties and the Panel, including a pre-hearing conference with the Panel, which lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) pre-hearing session with the Panel @ \$1,125.00/session	= \$	1,125.00
Pre-Hearing Conference: March 22, 2021	1 session	
One (1) hearing session on expungement request @ \$1,125.00/session	= \$	1,125.00
Hearing: May 4, 2021	1 session	
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Total Hearing Session Fees	= \$	2,250.00

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

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

ARBITRATION PANEL

Thomas D. Reese	-	Public Arbitrator, Presiding Chairperson
Keara Kelly Roethke	-	Public Arbitrator
Gary A. Hooker	-	Non-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.

Concurring Arbitrators' Signatures

Thomas D. Reese

Thomas D. Reese
Public Arbitrator, Presiding Chairperson

05/21/2021

Signature Date

Keara Kelly Roethke

Keara Kelly Roethke
Public Arbitrator

05/21/2021

Signature Date

Gary A. Hooker

Gary A. Hooker
Non-Public Arbitrator

05/21/2021

Signature Date

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May 21, 2021

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