

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant

Daria Haidukova

Case Number: 20-03388

vs.

Respondents

Fidelity Brokerage Services LLC
Fidelity Investment Institutional Services Company,
Inc.
UMB Financial Services, Inc.

Hearing Site: Los Angeles, 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: Customer vs. Members

This case was decided by a majority-public panel.

REPRESENTATION OF PARTIES

Claimant Daria Haidukova (“Claimant”) appeared pro se.

For Respondents Fidelity Brokerage Services LLC (“Fidelity Brokerage”) and Fidelity Investments Institutional Services Company, Inc. (“Fidelity Investments”): Patrick S. Christensen, Esq., FMR LLC Legal Department, Durham, North Carolina.

For Respondent UMB Financial Services, Inc. (“UMB”): Eric D. Martin, Esq., Bryan Cave Leighton Paisner LLP, St. Louis, Missouri.

Hereinafter, Fidelity Brokerage, Fidelity Investments, and UMB will be collectively referred to as “Respondents.”

CASE INFORMATION

Statement of Claim filed on or about: September 29, 2020.
Claimant signed the Submission Agreement: September 29, 2020.

Statement of Answer filed by Fidelity Brokerage and Fidelity Investments on or about:
November 23, 2020.

Fidelity Brokerage signed the Submission Agreement: November 23, 2020.
Fidelity Investments signed the Submission Agreement: December 1, 2020.

Statement of Answer filed by UMB on or about: November 23, 2020.
UMB signed the Submission Agreement: November 20, 2020.

CASE SUMMARY

In the Statement of Claim, Claimant alleged that Respondents wrongfully withheld Claimant's funds.

In the Statement of Answer, Fidelity Brokerage and Fidelity Investments denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

In the Statement of Answer, UMB denied the allegations made in the Statement of Claim.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested:

1. Release of \$152,717.30 from Claimant's account at Fidelity Brokerage;
2. All FINRA related fees;
3. Attorneys' fees; and
4. Interest in the amount of \$15,000 or 10% of funds held, whichever is greater.

In the Statement of Answer, Fidelity Brokerage and Fidelity Investments requested:

1. Claimant take nothing by virtue of her claim;
2. Attorneys' fees;
3. Costs; and
4. Such other and further relief as the Panel deems necessary and appropriate.

In the Statement of Answer, UMB Financial requested Claimant's claims be denied.

OTHER ISSUES CONSIDERED AND DECIDED

The Arbitrators acknowledge that they have each read the pleadings and other materials filed by the parties.

On December 18, 2020, UMB filed a motion to dismiss under FINRA Rule 12504, to which no response was filed. The Panel did not rule on the motion to dismiss, as it is moot in light of the Panel's decision to dismiss the case without prejudice.

Claimant failed to appear at the initial prehearing conference held on January 28, 2021. The initial prehearing conference was then rescheduled for February 17, 2021. Claimant again failed to appear at the rescheduled initial prehearing conference.

On February 17, 2021, the Panel ordered Claimant to:

- File with FINRA, on or before March 17, 2021, a written statement that she intends to pursue her claims against Respondents;
- Comply with all orders of this Panel;
- Comply with all FINRA arbitration rules; and
- Communicate with FINRA staff as reasonably necessary to ensure an orderly arbitration proceeding, including without limitation, cooperating with respect to the scheduling of pre-hearing conferences.

In the order, the Panel admonished Claimant that failure to comply with this order may subject her to sanctions up to and potentially including the dismissal of her claims.

On March 11, 2021, Fidelity Brokerage and Fidelity Investments filed a statement asserting that they had received no communication from Claimant and intended to file a motion to dismiss pursuant to Rule 12212 of the Code of Arbitration Procedure (“Code”).

Claimant failed to file the required written statement by the March 17, 2021 deadline given in the Panel’s order from February 17, 2021.

On March 18, 2021, Fidelity Brokerage and Fidelity Investments filed a motion to dismiss pursuant to Rule 12212 of the Code. Claimant did not file a response to the motion.

AWARD

After considering the pleadings, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimant’s claims are dismissed in their entirety without prejudice, pursuant to Rule 12212 of the Code.
2. All parties are to bear their own costs, including FINRA fees as may be applicable.
3. Any and all claims for relief not specifically addressed herein, including any requests for attorneys’ fees, are denied.

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	= \$ 1,425.00
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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 firms that employed the associated persons at the time of the events giving rise to the dispute.

Accordingly, as a party, Fidelity Brokerage is assessed the following:

Member Surcharge	= \$	1,700.00
Member Process Fee	= \$	3,250.00

Accordingly, as a party, Fidelity Investments is assessed the following:

Member Surcharge	= \$	1,700.00
Member Process Fee	= \$	3,250.00

Accordingly, as a party, UMB is assessed the following:

Member Surcharge	= \$	1,700.00
Member Process Fee	= \$	3,250.00

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 Arbitrator(s), including a pre-hearing conference with the Arbitrator(s), which lasts four (4) hours or less. Fees associated with these proceedings are:

Two (2) pre-hearing sessions with the Panel @ \$1,125.00/session	= \$	2,250.00
Pre-Hearing Conferences: January 28, 2021	1 session	
February 17, 2021	1 session	

Total Hearing Session Fees	= \$	2,250.00
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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

Joyce L. Hurley	-	Public Arbitrator, Presiding Chairperson
Kendall C. Reed	-	Public Arbitrator
Richard William DeWeese, Jr.	-	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

Joyce L. Hurley

Joyce L. Hurley
Public Arbitrator, Presiding Chairperson

04/19/2021

Signature Date

Kendall C. Reed

Kendall C. Reed
Public Arbitrator

04/17/2021

Signature Date

Richard William DeWeese, Jr.

Richard William DeWeese, Jr.
Non-Public Arbitrator

04/19/2021

Signature Date

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April 19, 2021

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