

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Konstantin Kaplun

Case Number: 20-03439

vs.

Respondent
Tradestation Securities, 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. Member

REPRESENTATION OF PARTIES

Claimant Konstantin Kaplun (“Claimant”) appeared pro se.

For Respondent Tradestation Securities, Inc. (“Respondent”): Steven M. Greenbaum, TradeStation Securities, Inc., Plantation, Florida.

CASE INFORMATION

Statement of Claim filed on or about: October 5, 2020.

Claimant signed the Submission Agreement: October 5, 2020.

Statement of Answer filed on or about: November 24, 2020.

Respondent signed the Submission Agreement: November 24, 2020.

CASE SUMMARY

In the Statement of Claim, Claimant alleged that Respondent wrongfully withheld Claimant’s funds.

In the Statement of Answer, Respondent advised that it had transferred the requested funds to Claimant’s account, denied the allegations made in the Statement of Claim, and asserted various affirmative defenses.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested:

1. Respondent release funds in the amount of \$52,016.44; and
2. Interest in the amount of \$5,000.00.

In the Statement of Answer, Respondent requested:

1. An award in favor of Respondent;
2. Recovery of all costs incurred; and
3. Attorneys' fees.

OTHER ISSUES CONSIDERED AND DECIDED

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

On February 5, 2021, Claimant failed to appear at the Initial Pre-Hearing Conference. On that date, the Arbitrator issued an order scheduling the evidentiary hearing for September 20, 2021.

On February 8, 2021, Respondent filed a Motion for Sanctions pursuant to Rule 12212 of the Code of Arbitration Procedure ("Code"), requesting that the Arbitrator dismiss Claimant's claims. Claimant did not file a response. On February 19, 2021, the Arbitrator ordered a hearing to be held for Claimant to show cause why his case should not be dismissed and forum costs assessed to him.

On March 25, 2021, the Arbitrator held a hearing on the Motion for Sanctions. Claimant did not appear at the hearing.

AWARD

After considering the pleadings, the testimony and evidence presented, 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 claims are dismissed in their entirety with prejudice, pursuant to Rule 12212 of the Code.
2. Any and all claims for relief not specifically addressed herein, including any requests for attorneys' fees, 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	= \$	975.00
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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	= \$	1,100.00
Member Process Fee	= \$	2,250.00

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 with a single Arbitrator @ \$450.00/session	= \$	900.00
Pre-Hearing Conferences: February 5, 2021	1 session	
March 25, 2021	1 session	
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Total Hearing Session Fees	= \$	900.00

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

Mark T Risner

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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

Mark T Risner

Mark T Risner
Sole Public Arbitrator

04/07/2021

Signature Date

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April 09, 2021

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