

**Award**  
**FINRA Dispute Resolution Services**

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In the Matter of the Arbitration Between:

Claimant  
Sean Lewis Dobranich

Case Number: 20-03520

vs.

Respondent  
Merrill Lynch, Pierce, Fenner & Smith Inc.

Hearing Site: Las Vegas, Nevada

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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 Sean Lewis Dobranich (“Claimant”): James P. Galvin, Esq., Galvin Legal, PLLC, Decatur, Georgia.

For Respondent Merrill Lynch, Pierce, Fenner & Smith Inc. (“Respondent”): Stuart D. Roberts, Esq., Bressler, Amery & Ross, PC, Birmingham, Alabama.

**CASE INFORMATION**

Statement of Claim filed on or about: October 13, 2020.  
Claimant signed the Submission Agreement: October 13, 2020.

Statement of Answer filed by Respondent on or about: December 4, 2020.  
Respondent signed the Submission Agreement: December 4, 2020.

**CASE SUMMARY**

In the Statement of Claim, Claimant asserted a claim seeking expungement of alleged defamatory information reported by Respondent on Claimant’s Form U5 filed by Respondent and maintained by the Central Registration Depository (“CRD”), following the termination of Claimant’s employment with Respondent.

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

### **RELIEF REQUESTED**

In the Statement of Claim, Claimant requested:

1. A finding that the Section 3 “Reason for Termination” and “Termination Explanation” and any other applicable sections of Claimant’s Form U5 are defamatory in nature;
2. Expungement of the Section 3 “Reason for Termination” and the “Reason for Termination” amended to “Voluntary” or “Other”;
3. Expungement of the Section 3 “Termination Explanation”;
4. Expungement of any of Section 7F questions 1-3 that are marked as “Yes” and amended marking “No”;
5. Expungement of all information from any related Disclosure Reporting Pages on all of Claimant’s Form U5; and
6. All such other and further relief as is just and equitable.

In the Statement of Answer, Respondent requested that Claimant’s request for expungement and any other form of relief 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 January 4, 2021, Respondent filed a Motion to Dismiss pursuant to Rule 13206 of the Code of Arbitration Procedure (“Code”). On February 10, 2021, Claimant filed a response opposing the Motion to Dismiss. On February 16, 2021, Respondent replied in support of the Motion to Dismiss. On March 8, 2021, the Panel heard oral arguments on the Motion to Dismiss. On March 9, 2021, the Panel granted the Motion to Dismiss on the grounds that Claimant had sufficient notice and opportunity to request expungement prior to the six year eligibility rule expiring. There was no credible reason presented for not addressing the issue during that period. In addition, Claimant does not challenge the reason for the disclosure and confirms its veracity.

Respondent’s Motion to Dismiss pursuant to Rule 13206 of the Code is granted by the Panel without prejudice to any right Claimant has to file in court; Claimant is not prohibited from pursuing his claims in court pursuant to Rule 13206(b) of the Code.

### **AWARD**

After considering the pleadings, the Motion to Dismiss and all responses thereto, and the arguments presented during the March 8, 2021 pre-hearing conference, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

Claimant’s claims are dismissed without prejudice pursuant to Rule 13206(b) of the Code.

### **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 = \$ 1,575.00

*\*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

**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:

One (1) pre-hearing session with the Panel @ \$1,125.00/session = \$ 1,125.00  
Pre-Hearing Conference: March 8, 2021 1 session

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Total Hearing Session Fees = \$ 1,125.00

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

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

**ARBITRATION PANEL**

Mary M. O'Neil	-	Public Arbitrator, Presiding Chairperson
Nicholas John Reiter	-	Public Arbitrator
William Ogburn Huggins, III	-	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**

***Mary M. O'Neil***

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Mary M. O'Neil  
Public Arbitrator, Presiding Chairperson

03/12/2021

\_\_\_\_\_  
Signature Date

***Nicholas John Reiter***

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Nicholas John Reiter  
Public Arbitrator

03/15/2021

\_\_\_\_\_  
Signature Date

***William Ogburn Huggins, III***

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William Ogburn Huggins, III  
Non-Public Arbitrator

03/12/2021

\_\_\_\_\_  
Signature Date

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March 15, 2021

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