

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Samuel Byron Hall

Case Number: 20-03762

vs.

Respondent
Vanguard Marketing Corporation

Hearing Site: Phoenix, Arizona

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

This case was administered under the Special Proceeding option for simplified cases.

REPRESENTATION OF PARTIES

Claimant Samuel Byron Hall (“Claimant”) appeared pro se.

For Respondent Vanguard Marketing Corporation (“Respondent”): Kenneth J. Turnbull, Esq., Morgan, Lewis & Bockius LLP, New York, New York.

CASE INFORMATION

Statement of Claim filed on or about: November 9, 2020.
Amended Statement of Claim filed on or about: January 14, 2021.
Claimant signed the Submission Agreement: November 9, 2020.

Statement of Answer filed on or about: January 4, 2021
Respondent signed the Submission Agreement: December 16, 2020.

CASE SUMMARY

In the Statement of Claim and the Amended Statement of Claim, Claimant asserted a claim alleging that the Form U5 filed by Respondent, as part of registration records maintained by the Central Registration Depository (“CRD”), is defamatory in nature and he was wrongfully terminated.

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

RELIEF REQUESTED

In the Statement of Claim, Claimant requested:

1. Compensatory damages in the amount of \$10,500.00;
2. Expungement of defamatory comments from his CRD records pursuant to FINRA Rule 2080; and
3. Punitive damages in the amount of \$31,500.00.

In the Amended Statement of Claim, Claimant requested the total damages be increased to \$50,000.00.

In the Statement of Answer, Respondent requested Claimant's claims be denied in their entirety.

OTHER ISSUES CONSIDERED AND DECIDED

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

At the hearing, Claimant withdrew his claim for wrongful termination.

AWARD

After considering the pleadings, the testimony and evidence presented at the 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 is denied.
2. Claimant's claims are denied in their entirety.

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	= \$	600.00
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**The filing fee is made up of a non-refundable and a refundable portion.*

FINRA Dispute Resolution Services previously deferred Claimant's filing fee of \$600.00. Upon conclusion of the matter, the Panel determined to assess the fee.

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	= \$	750.00
Member Process Fee	= \$	1,750.00

Discovery-Related Motion Fees

Fees apply for each decision rendered on a discovery-related motion.

Two (2) decisions on discovery-related motions on the papers with one (1) Arbitrator @ \$200.00/decision	= \$	400.00
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Claimant submitted two (2) discovery-related motions

Total Discovery-Related Motion Fees	= \$	400.00
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The Arbitrator has assessed \$200.00 of the discovery-related motion fees to Claimant.

The Arbitrator has waived \$200.00 of the discovery-related motion fees.

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: March 1, 2021	1 session	
March 25, 2021	1 session	

Two (2) hearing sessions with a single Arbitrator @ \$450.00/session	= \$	900.00
Hearing: April 29, 2021	2 sessions	

Total Hearing Session Fees	= \$	1,800.00
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The Arbitrator has assessed \$900.00 of the hearing session fees to Claimant.

The Arbitrator has assessed \$900.00 of the hearing session fees to Respondent.

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

ARBITRATOR

Robert Dean McKinley

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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

Robert Dean McKinley

Robert Dean McKinley
Sole Public Arbitrator

05/21/2021

Signature Date

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May 21, 2021

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