

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Ella J. Smith

Case Number: 21-00286

vs.

Respondent
John Hancock Distributors, LLC

Hearing Site: Philadelphia, Pennsylvania

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

Claimant Ella J. Smith appeared pro se.

For Respondent John Hancock Distributors, LLC: Michael Mahoney, John Hancock Distributors, LLC, Boston, Massachusetts.

CASE INFORMATION

Statement of Claim filed on or about: February 1, 2021.
Amended Statement of Claim filed on or about: March 19, 2021.
Ella J. Smith signed the Submission Agreement: February 1, 2021.

John Hancock Distributors, LLC did not file a Statement of Answer or sign the Submission Agreement.

CASE SUMMARY

In the Statement of Claim, and Amended Statement of Claim, Claimant asserted the following causes of action: expungement of Form U5 termination based on the defamatory nature of the entry, and defamation.

RELIEF REQUESTED

In the Amended Statement of Claim, Claimant requested an award as follows:

a. On the first cause of action for expungement from the CRD, and from Claimant's Form U5

filed by Respondent, of certain defamatory information concerning Claimant:

i) Finding that Respondent's First Statement is false and defamatory.

ii) Stating that because of the defamatory nature of the information contained in the CRD system, the Arbitrator recommends that FINRA immediately expunge, from the CRD, from Section 3 of the Uniform Termination Notice for Securities Industry Registration filed by Respondent, and from any Form U5 or Form U4 of Claimant filed or amended after March 12, 2019, the Termination Explanation; and

iii) Recommending that FINRA replace the Termination Explanation.

b. On the second cause of action against for defamation, compensatory damages in the amount of \$1.00.

c. In the alternative to the relief sought in paragraph a(i) a(ii) above, and should the Arbitrator decline to find that Respondent's First Statement is false and defamatory, then: stating that for such reason(s) as the Arbitrator deems just and proper, the Arbitrator recommends that FINRA immediately expunge, from the CRD, from Section 3 of the Uniform Termination Notice of Securities Industry Registration filed by Respondent, and from any Form U5 or Form U4 of Claimant filed or amended after March 12, 2019, the Termination Explanation.

d. In the alternative to the relief sought in paragraph (a)(iii) above, recommend that FINRA replace the Termination Explanation with such Termination Explanation as the Arbitrator deems just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

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

Respondent John Hancock Distributors, LLC did not file a Statement of Answer or a properly executed Submission Agreement but is required to submit to arbitration pursuant to the Code and is bound by the determination of the Arbitrator on all issues submitted.

The Claim Notification letter notified Respondent John Hancock Distributors, LLC that FINRA rules require parties to use the online DR Portal on a mandatory basis (except pro se investors) and that failure to register for the DR Portal will prevent the submission of pleadings, selection of arbitrators, and receipt of notification relating to case information and deadlines. Respondent John Hancock Distributors, LLC failed to register for the DR Portal.

The Arbitrator determined that Respondent John Hancock Distributors, LLC is, therefore, bound by the Arbitrator's ruling and determination.

On May 6, 2021, an email was received from Respondent John Hancock Distributors, LLC advising that Respondent did not intend to enter an appearance or file a Statement of Answer.

During the Initial Pre-Hearing Conference call on July 20, 2021, Claimant requested that this matter be decided on the papers, without a hearing.

AWARD

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

1. Claimant's claims are denied in their entirety.
2. Any and all relief not specifically addressed herein 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	=\$ 50.00
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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 John Hancock Distributors, LLC is assessed the following:

Member Surcharge	=\$ 150.00
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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:

One (1) pre-hearing session with a single Arbitrator @ \$50.00/session	=\$ 50.00
Pre-Hearing Conference: July 20, 2021	1 session

Decision on the papers:	=\$ 300.00
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Total Hearing Session Fees	=\$ 350.00
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The Arbitrator has assessed \$350.00 of the hearing session fees to Claimant.

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

ARBITRATOR

Carol H. Gold

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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

Carol H. Gold

Carol H. Gold
Sole Public Arbitrator

02/01/2022

Signature Date

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February 01, 2022

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