

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimants

Erin E. Elskes
Javier Sanchez Nieto

Case Number: 21-00646

vs.

Respondents

Ameritas Advisory Services
Amy Rogers Blodgett

Hearing Site: San Francisco, 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: Customers vs. Member and Associated Person

This matter proceeded pursuant to Rule 12800 of the Code of Arbitration Procedure (“Code”).

REPRESENTATION OF PARTIES

Claimants Erin E. Elskes (“Elskes”) and Javier Sanchez Nieto (“Nieto”) appeared pro se.

Hereinafter, Elskes and Nieto are collectively referred to as “Claimants.”

For Respondents Ameritas Advisory Services (“Ameritas”) and Amy Rogers Blodgett (“Blodgett”): Amir Tadjedin, Esq. and Tyler Blok, Esq., Tadjedin Thomas & Engbloom Law Group LLP, Portland, Oregon.

Hereinafter, Ameritas and Blodgett are collectively referred to as “Respondents.”

CASE INFORMATION

Statement of Claim filed on or about: March 11, 2021.

Elskes signed the Submission Agreement: March 10, 2021.

Nieto signed the Submission Agreement: March 10, 2021.

Statement of Answer filed on or about: May 18, 2021.

Ameritas signed the Submission Agreement: March 26, 2021.

Blodgett signed the Submission Agreement: May 24, 2021.

CASE SUMMARY

In the Statement of Claim, Claimants asserted the following causes of action: unsuitability; breach of fiduciary duty of loyalty; negligence; negligent misrepresentation; breach of contract; and fraud and deceit based on concealment. The causes of action relate to Respondents' alleged gross mismanagement of investments in Claimants' joint account maintained at Ameritas.

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

RELIEF REQUESTED

In the Statement of Claim, Claimants requested:

1. Damages based on fairness and equity;
2. Compensatory damages in the amount of \$20,102.84;
3. Opportunity costs damages in the amount of \$19,748.74;
4. Costs, expenses, and disbursements incurred in pursuing this arbitration, including expert fees;
5. Full reimbursement of all Claimants' filing, forum and hearing fees;
6. Post-award interest until any award is paid; and
7. Such other and further relief as the Arbitrator deems just and proper in the circumstances.

In the Statement of Answer, Respondents requested:

1. All causes of action be dismissed in their entirety;
2. Claimants take nothing by way of the Statement of Claim;
3. Attorneys' fees and costs incurred in defending the claims;
4. Respondents' portion of the forum fees be assessed against Claimants;
5. Expungement of this matter from Blodgett's Central Registration Depository ("CRD") records; and
6. Such other and further relief 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.

FINDINGS

The Arbitrator finds that any expungement claim, even if brought pursuant to a formal motion, would not be meritorious. Damages are awarded herein on account of the conduct complained of, and therefore Claimants' claim does not fall within any of the categories of FINRA Rule 2080(b)(1) so as to justify expungement relief.

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. Respondents are jointly and severally liable for and shall pay to Claimants the sum of \$20,102.84 in compensatory damages.
2. Respondent Blodgett's request for expungement of this matter from her CRD records is denied.
3. FINRA Dispute Resolution Services shall retain the \$600.00 filing fee that Claimants deposited previously.
4. Respondents are jointly and severally liable for and shall pay to Claimants \$600.00 to reimburse Claimants for the filing fee previously paid to FINRA Dispute Resolution Services.
5. FINRA Dispute Resolution Services shall retain the \$375.00 non-refundable portion of the expungement filing fee that Respondent Blodgett deposited previously.
6. Any and all relief not specifically addressed herein, including requests for attorneys' fees, are denied.

FEES

Pursuant to the Code:

1. Ameritas has paid to FINRA Dispute Resolution Services the \$750.00 Member Surcharge. FINRA Dispute Resolution Services has invoiced Ameritas for the \$3,750.00 Member Process Fee.

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

ARBITRATOR

Jonathan H. Krotinger

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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

Jonathan H. Krotinger

Jonathan H. Krotinger
Sole Public Arbitrator

08/03/2021

Signature Date

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August 05, 2021

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