

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Thelma P. Ellenberger

Case Number: 21-00929

vs.

Respondents
Edward Jones
Kelly Jean Shultz

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: Customer vs. Member and Associated Person

The evidentiary hearing was conducted by videoconference.

REPRESENTATION OF PARTIES

Claimant Thelma P. Ellenberger (“Claimant”) appeared pro se.

For Respondents Edward Jones (“Edward Jones”), and Kelly Jean Shultz (“Shultz”): Cheryl S. Chang, Esq., Keesal, Young & Logan, Long Beach, California.

Hereinafter, Edward Jones and Shultz are collectively referred to as “Respondents”.

CASE INFORMATION

Statement of Claim filed on or about: April 9, 2021.

Claimant signed the Submission Agreement: April 29, 2021.

Statement of Answer filed by Respondents on or about: July 2, 2021.

Respondents signed the Submission Agreement: June 29, 2021.

CASE SUMMARY

In the Statement of Claim, Claimant asserted the following causes of action: failure to supervise and negligence. The causes of action relate to Claimant’s retirement account held at Edward Jones.

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, Claimant requested:

1. Compensatory damages in the amount of \$10,000.00;
2. Punitive damages in the amount of \$6,000.00; and
3. Other monetary relief in the amount of \$4,000.00.

In the Statement of Answer, Respondents requested:

1. An order denying Claimant's request for relief; and
2. Such other relief be granted in favor of Respondents as the Arbitrator deems just and proper under the circumstances.

OTHER ISSUES CONSIDERED AND DECIDED

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

The Arbitrator has provided an explanation of the decision in this award. The explanation is for the information of the parties only and is not precedential in nature.

FINDINGS

Claimant did not open an account with Respondents. At most, there was an introductory meeting, but no new account documents were executed. Respondents were not at fault for allowing Claimant's ex-husband to withdraw money from his own retirement account because they did not receive any legal documents notifying them that he did not have access to his own account.

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 claims are denied in their entirety.
2. Any and all claims for relief not specifically addressed herein, including any requests for punitive damages, 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	= \$	425.00
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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 \$425.00. Upon conclusion of the matter, the Arbitrator determined to waive the fee.

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. Accordingly, as a party, Edward Jones is assessed the following:

Member Surcharge	= \$	450.00
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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 @ \$450.00/session	= \$	450.00
Pre-Hearing Conference: August 24, 2021	1 session	

One (1) hearing session @ \$450.00/session	= \$	450.00
Hearing: December 6, 2021	1 session	

Total Hearing Session Fees	= \$	900.00
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The Arbitrator has assessed \$450.00 of the hearing session fees to Claimant.

The Arbitrator has assessed \$450.00 of the hearing session fees jointly and severally to Respondents.

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

ARBITRATOR

Helen Marinak Blohm

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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

Helen Marinak Blohm

Helen Marinak Blohm
Sole Public Arbitrator

01/30/2022

Signature Date

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January 31, 2022

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