

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

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In the Matter of the Arbitration Between:

Claimant  
Robert W. Baird & Co. Incorporated

Case Number: 21-01374

vs.

Respondent  
Michael David Barth

Hearing Site: Albuquerque, New Mexico

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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: Member vs. Associated Person

**REPRESENTATION OF PARTIES**

For Claimant Robert W. Baird & Co. Incorporated (“Claimant”): J. Lucas McFarland, Esq., McFarland Litigation Partners, LLC, Golden, Colorado.

Respondent Michael David Barth (“Respondent”) appeared pro se.

**CASE INFORMATION**

Statement of Claim filed on or about: May 27, 2021.

Claimant signed the Submission Agreement: May 27, 2021.

Statement of Answer filed by Respondent on or about: August 10, 2021

Respondent did not sign the Submission Agreement.

**CASE SUMMARY**

In the Statement of Claim, Claimant asserted the following cause of action: breach of promissory note (“Note”) executed by Respondent on July 20, 2018. Claimant asserted that the remaining balance of the Note became due upon the termination of Respondent’s employment with Claimant.

Unless specifically admitted 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. \$673,706.14 in principal;
2. Interest at 4.87% per annum from October 1, 2020 until repaid;
3. Associated costs of suit and collection of such sums, including reasonable attorneys' fees; and
4. Such other relief as may be deemed appropriate.

In the Statement of Answer, Respondent did not set forth a specific relief request.

At the hearing, Claimant waived its request for attorney's fees and pre-award interest and reduced its request for compensatory damages to \$618,781.01, plus post-award interest at a rate of 2% per annum.

### **OTHER ISSUES CONSIDERED AND DECIDED**

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

Respondent did not file a properly executed Submission Agreement but is required to submit to arbitration pursuant to the Code of Arbitration Procedure ("Code") and, having answered the claim, appeared, and testified at the hearing, is bound by the determination of the Arbitrator on all issues submitted.

### **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. Respondent is liable for and shall pay to Claimant the sum of \$618,781.01 in compensatory damages.
2. Respondent is liable for and shall pay to Claimant interest on the above-stated sum at the rate of 2.0% per annum from January 20, 2022 through and including the date the Award is paid.
3. Any and all claims for relief not specifically addressed herein are denied.

### **FEES**

Pursuant to the Code, the following fees are assessed:

#### **Filing Fees**

FINRA Dispute Resolution Services assessed a filing fee\* for each claim:

Initial Claim Filing Fee	= \$	2,650.00
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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(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. Accordingly, as a party, Claimant, is assessed the following:

Member Surcharge	= \$	2,625.00
Member Process Fee	= \$	5,225.00

**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: September 14, 2021	1 session	
One (1) hearing session @ \$450.00/session	= \$	450.00
Hearing: January 20, 2022	1 session	
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Total Hearing Session Fees	= \$	900.00

The Arbitrator has assessed \$225.00 of the hearing session fees to Claimant.

The Arbitrator has assessed \$675.00 of the hearing session fees to Respondent.

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

**ARBITRATOR**

Paul E. Dahlman

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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**

***Paul E. Dahlman***

Paul E. Dahlman  
Sole Public Arbitrator

**02/08/2022**

Signature Date

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February 08, 2022

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