

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Matthew Plevelich

Case Number: 21-01492

vs.

Respondent
Fidelity Brokerage Services 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: Customer vs. Member

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

REPRESENTATION OF PARTIES

Claimant Matthew Plevelich appeared pro se.

For Respondent Fidelity Brokerage Services LLC: Joel M. Everest, Esq., Bressler, Amery & Ross, P.C., Birmingham, Alabama.

CASE INFORMATION

Statement of Claim filed on or about: June 10, 2021.

Matthew Plevelich signed the Submission Agreement: June 10, 2021.

Statement of Answer and Counterclaim filed by Respondent on or about: August 3, 2021.

Fidelity Brokerage Services LLC signed the Submission Agreement: August 3, 2021.

CASE SUMMARY

In the Statement of Claim, Claimant asserted the following cause of action: trading errors. The cause of action relates to call options/margin contracts on GME.

Unless specifically admitted in the Statement of Answer and Counterclaim, Respondent denied the allegations made in the Statement of Claim, asserted various affirmative defenses, and asserted the following cause of action: breach of contract.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested compensatory damages in the amount of \$18,268.75, plus the \$425.00 fees associated with filing the Statement of Claim, for a total of \$18,693.75.

In the Statement of Answer and Counterclaim, Respondent requested that Claimant's claim be denied in its entirety and compensatory damages in the amount of \$13,076.48.

OTHER ISSUES CONSIDERED AND DECIDED

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

On September 25, 2021, Claimant filed a Motion to Amend the Statement of Claim. By Order dated September 29, 2021, the Arbitrator denied Claimant's Motion to Amend the Statement of Claim.

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. Claimant is liable for and shall pay to Respondent the sum of \$13,076.48 in compensatory damages.
3. FINRA Dispute Resolution Services shall retain the \$425.00 filing fee that Claimant deposited previously.
4. FINRA Dispute Resolution Services shall retain the \$1,050.00 filing fee that Respondent deposited previously.
5. Claimant is liable for and shall pay to Respondent \$312.50 to reimburse Respondent for a portion of the filing fee previously paid to FINRA Dispute Resolution Services.
6. Any and all claims for relief not specifically addressed herein are denied.

FEES

Pursuant to the Code:

Respondent Fidelity Brokerage Services LLC has paid to FINRA Dispute Resolution Services the \$450.00 Member Surcharge previously invoiced.

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

ARBITRATOR

John James McGovern, Jr.

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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

John James McGovern, Jr.

John James McGovern, Jr.
Sole Public Arbitrator

10/08/2021

Signature Date

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October 14, 2021

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