

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Lou Anthony Varanese

Case Number: 23-03453

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: Associated Person vs. Member

The evidentiary hearing was conducted by videoconference.

REPRESENTATION OF PARTIES

For Claimant Lou Anthony Varanese: Dochter Kennedy, J.D., MBA, and Peter Lindholm, Esq., AdvisorLaw LLC, Broomfield, Colorado.

For Respondent Fidelity Brokerage Services LLC: David I. Hantman, Esq., Bressler, Amery & Ross P.C., New York, New York.

CASE INFORMATION

Statement of Claim filed on or about: December 5, 2023.

Lou Anthony Varanese signed the Submission Agreement: December 5, 2023.

Statement of Answer filed by Respondent on or about: January 25, 2024.

Fidelity Brokerage Services LLC signed the Submission Agreement: January 24, 2024.

CASE SUMMARY

In the Statement of Claim, Claimant asserted the following cause of action: expngement of Form U5 termination entry based on the defamatory nature of the entry.

Unless specifically admitted in the Statement of Answer, Respondent denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested expungement of the Form U5 amendments corresponding with Occurrence number 2279335, and those relevant portions of the Form U4, from Claimant's CRD record, on the basis that the statement is defamatory in nature and tends to mislead, to include: (a) amendment of the Reason for Termination entry in Section 3 of Claimant's Form U5 to read "Voluntary"; (b) expungement of the Termination Explanation from Claimant's Form U5; (c) amendment of the answer to question 6 on Claimant's Form U5, from a "yes" response to "No"; (d) amendment of the answer to question 7F(1) on Claimant's Form U5, from a "Yes" response to "No"; (e) deletion of the Termination Disclosure Detail (U5) from the CRD; and (f) deletion of the Termination Disclosure Reporting Pages accompanying Occurrence number 2279335 from the CRD; an award of damages in the amount of \$1.00; and any other relief deemed just and equitable.

In the Statement of Answer, Respondent requested an award dismissing these claims and denying Claimant's request for expungement of the language in his Form U5; assessing all forum fees and costs against Claimant; and granting such other, further, and different relief as deemed appropriate.

At the hearing, Claimant withdrew the request for \$1 in damages.

OTHER ISSUES CONSIDERED AND DECIDED

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

After the conclusion of Claimant's case-in-chief, Respondent made a motion for a directed verdict, and Claimant opposed the motion. After due consideration, the Arbitrator denied the motion for a directed verdict.

AWARD

After considering the pleadings, the testimony and evidence presented at the hearing, 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 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

**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 Fidelity Brokerage Services LLC is assessed the following:

Member Surcharge =\$150.00

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 @ \$50.00/session =\$ 50.00
Pre-Hearing Conference: March 18, 2024 1 session

One (1) hearing session @ \$50.00/session =\$ 50.00
Hearing: September 10, 2024 1 session

Total Hearing Session Fees =\$ 100.00

The Arbitrator has assessed the total hearing session fees to Claimant.

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

ARBITRATOR

George Forest Bingham

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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

George Forest Bingham

George Forest Bingham
Sole Public Arbitrator

09/11/2024

Signature Date

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September 11, 2024

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