In the Matter of the Arbitration Between:

Claimant
Tetyana Luczaj

vs.

Respondent
Wells Fargo Clearing Services, LLC

Nature of the Dispute: Associated Person vs. Member

REPRESENTATION OF PARTIES

Claimant Tetyana Luczaj appeared pro se.

For Respondent Wells Fargo Clearing Services, LLC: Thomas G. Reynolds, IV, Esq., and Frederick T. Smith, Esq., Seyfarth Shaw LLP, Atlanta, Georgia.

CASE INFORMATION

Statement of Claim filed on or about: February 15, 2018.
Tetyana Luczaj signed the Submission Agreement: February 16, 2018.

Statement of Answer filed by Respondents on or about: April 11, 2018.
Wells Fargo Clearing Services, LLC signed the Submission Agreement: April 11, 2018.

CASE SUMMARY

Claimant asserted the following causes of action: expungement of her Form U5.

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 unspecified compensatory damages; attorneys' fees in the amount of $25,000.00; costs; interest; expungement of Occurrence Number 1601282 from her Central Registration Depository ("CRD") record; and expungement of her Form U5.

In the Statement of Answer, Respondent requested Claimant’s claim be dismissed in its
During the evidentiary hearing, Claimant requested $500,000.00 in compensatory damages.

OTHER ISSUES CONSIDERED AND DECIDED

The Arbitrators acknowledge that they have each read the pleadings and other materials filed by the parties.

By correspondence dated April 17, 2019, Respondent filed a Motion to Dismiss. Claimant did not file an opposition to Respondent’s Motion to Dismiss. On May 10, 2019, the Panel heard oral arguments on Respondent’s Motion to Dismiss. After due deliberation, in an Order dated May 11, 2019, the Panel denied Respondent’s Motion to Dismiss.

By correspondence dated July 31, 2019, Respondent filed a Motion to Dismiss and for Sanctions. On August 6, 2019, Claimant filed an Opposition to Respondent’s Motion to Dismiss and for Sanctions. On August 15, 2019, Respondent filed a Reply in further support of their Motion to Dismiss and for Sanctions. After due deliberation, in and Order dated August 27, 2019, the Panel denied Respondent’s Motion to Dismiss and for Sanctions.

During the evidentiary hearing and at the conclusion of Claimant’s case-in-chief, Respondent orally filed a Motion to Dismiss Claimant’s claim for failure to provide sufficient evidence to sustain her claims. The Panel denied the Respondent’s Motion to Dismiss.

The parties present at the hearing have agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered.

AWARD

After considering the pleadings, the testimony and evidence presented at the hearing, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimant’s request for compensatory damages is denied.

2. The Panel recommends the expungement of the “Yes” answer to Question 7(F)1 of the Form U5 for Tetyana Luczaj (CRD # 5489239), filed by Respondent Wells Fargo Clearing Services, LLC on March 2, 2012 and maintained by the Central Registration Depository (“CRD”). The Panel recommends that the answer be changed to “No”, and the accompanying Disclosure Reporting Page be deleted in its entirety.

The above recommendations are based on the defamatory nature of the information and shall apply to all subsequent disclosures concerning this
event, including but not limited to, the Amended Form U4 filed on December 18, 2013 by PRINCIPAL SECURITIES, INC. (1137).

The Panel grants no other expungement relief.

The registration records are not automatically amended to include the changes indicated above. Claimant Tetyana Luczaj must forward a copy of this award to FINRA’s Registration and Disclosure Department for review.

3. Respondent is liable for and shall pay to Claimant the sum of $375.00 to reimburse Claimant for the non-refundable portion of the filing fee previously paid to FINRA Office of Dispute Resolution.

4. Any and all claims for relief not specifically addressed herein, including punitive damages, and attorneys’ fees, if any, are denied.

FEES

Pursuant to the Code of Arbitration Procedure, the following fees are assessed:

**Filing Fees**
FINRA Office of Dispute Resolution assessed a filing fee* for each claim:

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Initial Claim Filing Fee</td>
<td>$1,575.00</td>
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*The filing fee is made up of a non-refundable and a refundable portion.

FINRA Office of Dispute Resolution previously deferred the Claimant’s filing fee of $1,575.00. Upon conclusion of the matter, the Panel 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 that employed the associated person at the time of the events giving rise to the dispute. Accordingly, as a party, Respondent Wells Fargo Clearing Services, LLC is assessed the following:

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<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>Member Surcharge</td>
<td>$1,900.00</td>
</tr>
<tr>
<td>Member Process Fee</td>
<td>$3,750.00</td>
</tr>
</tbody>
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**Discovery-Related Motion Fee**
Fees apply for each decision rendered on a discovery-related motion.

<table>
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<tr>
<th>Description</th>
<th>Amount</th>
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<tbody>
<tr>
<td>One (1) decision on a discovery-related motion on the papers with one (1) arbitrator @ $200.00/decision</td>
<td>$200.00</td>
</tr>
<tr>
<td>One (1) decision on a discovery-related motion on the papers with three (3) arbitrators @ $600.00 /decision</td>
<td>$600.00</td>
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Respondent filed a Motion to Compel Discovery

Respondent submitted a Motion for Sanctions based upon failure to comply with Discovery Order

Total Discovery-Related Motion Fees = $800.00

The Panel has assessed the $800.00 of the discovery-related motion fees to Respondent.

**Hearing Session Fees and Assessments**

The Panel has assessed hearing session fees for each session conducted. A session is any meeting between the parties and the arbitrators, including a pre-hearing conference with the arbitrators, that lasts four (4) hours or less. Fees associated with these proceedings are:

Three (3) pre-hearing sessions with the Panel @ $1,125.00/session = $3,375.00
- August 28, 2018 1 session
- October 4, 2018 1 session
- May 10, 2019 1 session

One (1) hearing session @ $1,125.00/session = $2,250.00
- September 27, 2019 2 sessions

Total Hearing Session Fees = $5,625.00

The Panel has assessed the $5,625.00 hearing session fees to Respondent.

All balances are payable to FINRA Office of Dispute Resolution and are due upon receipt.
I, the undersigned Arbitrator, do hereby affirm that I am the individual described herein and who executed this instrument which is my award.

Concurring Arbitrators' Signatures

Guillermo L. Bosch  
Guillermo L. Bosch  
Public Arbitrator, Presiding Chairperson  
10/03/2019  
Signature Date

Laura A. Kaster  
Public Arbitrator

Alan M. Schankel  
Non-Public Arbitrator  
10/04/2019  
Signature Date

October 04, 2019  
Date of Service (For FINRA Office of Dispute Resolution office use only)