

**Stipulated Award
FINRA Office of Dispute Resolution**

In the Matter of the Arbitration Between:

Claimant
Eddy E. Santos

Case Number: 16-03088

vs.

Respondent
Wells Fargo Advisors, LLC

Hearing Site: New York, New York

Nature of the Dispute: Associated Person vs. Member

REPRESENTATION OF PARTIES

Claimant Eddy E. Santos: pro se.

For Respondent Wells Fargo Advisors, LLC: Rima F. Hartman, Esq., Bressler, Amery & Ross, P.C., Birmingham, New York.

CASE INFORMATION

Statement of Claim filed on or about: October 21, 2016.
Answer to Counterclaim filed on or about: February 22, 2018.
Eddy E. Santos signed the Submission Agreement: October 21, 2016.

Statement of Answer filed by Respondent on or about: January 24, 2017.
Counterclaim filed by Respondent on or about: January 19, 2018.
Wells Fargo Advisors, LLC signed the Submission Agreement: January 24, 2017.

CASE SUMMARY

Claimant asserted the following causes of action: fraudulent inducement; and breach of contract.

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

In the Counterclaim, Respondent asserted the following causes of action: breach of contract; and unjust enrichment.

Unless specifically admitted in the Answer to Counterclaim, Claimant denied the allegations made in the Statement of Answer and Counterclaim and asserted various affirmative defenses.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested unspecified compensatory damages; \$500,000.00 in punitive damages; attorneys' fees; costs; interest; and such other further relief as the Arbitrators may deem just and proper.

In the Statement of Answer, Respondent requested Claimant's claims be denied in their entirety.

In the Counterclaim, Respondent requested \$233,465.76 in compensatory damages; interest in the amount of 4.44% per annum from October 24, 2017 through payment; accrued interest; attorneys' fees; expenses; costs; and any additional relief the Panel deems just and appropriate.

OTHER ISSUES CONSIDERED AND DECIDED

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

On January 2, 2019, the parties agreed to adjourn the January 29, 2019 to February 1, 2019 hearings so that they could mediate.

On or about March 26, 2019, the parties settled their claims in mediation and agreed that Claimant would pay the settlement amount within 30 days of execution of the Settlement Agreement. The parties also agreed that if Claimant failed to pay the settlement amount, that a Stipulated Award would be entered, without arbitration hearing, entitling Respondent to the full outstanding Promissory Note, plus interest and fees.

On or about August 30, 2019, Respondent filed a Motion for Entry of Default Award. In Respondent's Motion for Default Award, Respondent requested compensatory damages in the amount of \$233,465.76; accrued interest at the rate of 4.44% per annum from October 24, 2017; continuing interest at the rate of 4.44% per annum until paid; attorneys' fees; and costs.

By Order dated October 24, 2019, the Panel ordered the Respondent to submit proof that the Claimant was served notice of the Motion for Entry of Default Award other than notice through the FINRA Portal. On or about November 13, 2019, Respondent filed an Affidavit with FINRA Office of Dispute Resolution stating their best efforts to serve the Claimant with notice of the Motion for Entry of Default Award outside of the Portal.

The Arbitrators determined that the Claimant was served with notice of the Motion for Entry of Default Award.

AWARD

The parties entered into an agreement to present to the Panel a Stipulated Award. Now, in lieu of a hearing and upon motion of both parties for the entry of a Stipulated Award, and the written stipulation thereto, the Panel grants the motion and enters this Stipulated Award granting the following relief:

1. Claimant is liable for and shall pay to Respondent \$233,465.76 in compensatory damages.
2. Claimant is liable for and shall pay to Respondent \$19,004.11 in accrued interest from October 24, 2017 to December 16, 2019.
3. Claimant is liable for and shall pay to Respondent continuing interest at the rate of 4.44% per annum from December 17, 2019 until paid.
4. Claimant is liable for and shall pay to Respondent \$99,012.15 in attorneys' fees pursuant to contract.
5. Claimant is liable for and shall pay to Respondent \$8,714.45 in costs.
6. Any and all claims for relief not specifically addressed herein, 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:

Initial Claim Filing Fee	= \$ 1,425.00
Counterclaim Filing Fee	= \$ 2,125.00

**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 events giving rise to the dispute. Accordingly, as a party, Respondent Wells Fargo Advisors, LLC is assessed the following:

Member Surcharge	= \$ 1,900.00
Member Process Fee	= \$ 3,750.00

Postponement Fees

Postponements granted during these proceedings for which fees were assessed or waived:

April 24-27, 2018, postponement by parties = WAIVED

Total Postponement Fees = WAIVED

Discovery-Related Motion Fee

Fees apply for each decision rendered on a discovery-related motion.

Two (2) decisions on discovery-related motions on the papers
with one (1) arbitrator @ \$200.00/decision = \$ 400.00

Total Discovery-Related Motion Fees = \$ 400.00

The Panel has assessed the \$400.00 discovery-related motion fees to Claimant.

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:

One (1) pre-hearing session with the Panel @ \$1,125.00/session = \$ 1,125.00
Pre-hearing conference: May 12, 2017 1 session

Decision on the papers = \$ 300.00

Total Hearing Session Fees = \$ 1,425.00

The Panel has assessed \$712.50 of the hearing session fees to Claimant.

The Panel has assessed \$712.50 of the hearing session fees to Respondent.

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

ARBITRATION PANEL

Amy Banet	-	Public Arbitrator, Presiding Chairperson
Eva H. Posman	-	Public Arbitrator
Jeffrey P. Bachmann	-	Non-Public Arbitrator

I, the undersigned Arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument which is my award.

Concurring Arbitrators' Signatures

Amy Banet

Amy Banet
Public Arbitrator, Presiding Chairperson

01/02/2020

Signature Date

Eva H. Posman

Eva H. Posman
Public Arbitrator

12/31/2019

Signature Date

Jeffrey P. Bachmann

Jeffrey P. Bachmann
Non-Public Arbitrator

12/31/2019

Signature Date

January 02, 2020

Date of Service (For FINRA Office of Dispute Resolution office use only)