

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimants

Mark Christopher Hutchinson,
John Andrew Cochrane,
David Allan Hirsch,
Paul Gerard Vanden Heuvel,
James Whitney,
Timothy Darragh,
Michael Edward Sakach,
Jeffrey Robert Moster,
Mary D. DiChristofano,
Christopher John Baldwin,
Marcia Betsy Payne,
James C. Kelly,
Michael Ryan Board,
Andrew Peter Skoglund, and
Thomas Mark Tyndorf

Case Number: 16-02825

vs.

Respondent

Credit Suisse Securities (USA) LLC

Hearing Site: Chicago, Illinois

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 Persons vs. Member

The evidentiary hearing was conducted partially by videoconference.

REPRESENTATION OF PARTIES

For Claimants Mark Christopher Hutchinson (“Hutchinson”), David Allan Hirsch (“Hirsch”), Paul Gerard Vanden Heuvel (“Vanden Heuvel”), James Whitney (“Whitney”), Michael Edward Sakach (“Sakach”), Jeffrey Robert Moster (“Moster”), Mary D. DiChristofano (“DiChristofano”), James C. Kelly (“Kelly”), and Michael Ryan Board (“Board”), hereinafter, collectively, referred to as “Hutchinson Claimants”: Barry R. Lax, Esq. and Robert R. Miller, Lax & Neville LLP, New York, New York.

For Claimants Christopher John Baldwin (“Baldwin”), Andrew Peter Skoglund (“Skoglund”), and Thomas Mark Tyndorf (“Tyndorf”), hereinafter, collectively, referred to as “Baldwin Claimants”: Robert S. Grabemann, Esq., Daspin & Aument LLP, Chicago, Illinois.

For Claimants John Andrew Cochrane, Timothy Darragh, and Marcia Betsy Payne, hereinafter, collectively, referred to as “Cochrane Claimants”: Nicholas P. Iavarone, Esq., The Iavarone Law Firm, P.C., Chicago, Illinois and Laurence M. Landsman, Esq., The Landsman Law Firm, Chicago, Illinois.

For Respondent Credit Suisse Securities (USA) LLC (“Respondent”): Ronald M. Green, Esq., Kenneth J. Kelly, Esq., Tamara Bock, Esq., and Alexandra Bruno Carlo, Esq., Epstein Becker & Green, P.C., New York, New York and Brian E. Spang, Esq., Epstein Becker & Green, P.C., Chicago, Illinois.

CASE INFORMATION

Statement of Claim filed by Hutchinson Claimants, Baldwin Claimants, and Cochrane Claimants (collectively, “Claimants”) on or about: September 26, 2016.

Answer to Counterclaim filed by Claimants on or about: November 28, 2016.

Amendment to Statement of Claim filed by Hutchinson Claimants on or about: May 7, 2018.

Fourth Amended Statement of Claim filed by Hutchinson, Hirsch, Vanden Heuvel, Whitney, Sakach, DiChristofano, Kelly, and Board, hereinafter, collectively referred to as “Continuing Claimants” on or about August 23, 2019.

Claimants signed the Submission Agreement: September 25, 2016.

Statement of Answer and Counterclaim filed on or about: November 17, 2016.

Answer to Amendment to Statement of Claim filed on or about: June 8, 2018.

Answer to Fourth Amended Statement of Claim filed on or about: September 3, 2019.

Respondent signed the Submission Agreement: November 17, 2016.

CASE SUMMARY

In the Statement of Claim, Claimants asserted the following causes of action: breach of contract, fraud, unjust enrichment, violation of the FINRA Rules of Fair Practice, and violation of the Illinois Wage Payment and Collection Act, 820 ILCS 115/1, *et seq.* (“IWPCA”). The causes of action related to Claimants’ allegation that Respondent closed its private banking division in the United States (“U.S.”) in a manner that breached its obligations to Claimants.

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

Respondent also asserted the following causes of action: breach of contract, unjust enrichment, breach of fiduciary duty, unfair competition, and misappropriation of trade secrets. The causes of action related to Respondent’s allegations regarding overpayments made to Hutchinson, Cochrane, Hirsh, Vanden Heuvel, Whitney, Moster, Payne, Kelly, and Board; a loan to Kelly; misappropriation of confidential and proprietary information; and improper solicitation of its clients and employees.

Unless specifically admitted in the Answer to Counterclaim, Claimants denied the allegations made in the Counterclaim.

In the Amendment to Statement of Claim, Hutchinson Claimants asserted claims for fraudulent inducement, fraud, and breach of fiduciary duty. The causes of action related to Hutchinson

Claimants' allegation that Respondent purposefully failed to disclose information regarding changes in its policy/practice that would have resulted in vesting of their deferred compensation.

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

In the Fourth Amended Statement of Claim, Continuing Claimants asserted the following causes of action: breach of contract, violation of the IWPCA, breach of the implied covenant of good faith and fair dealing, and unjust enrichment. The causes of action related to allegations that Respondent structured the closure of its U.S. Private Bank to evade its deferred compensation liabilities and, for the same purpose, failed to disclose and, in certain cases, affirmatively concealed its "acceleration" policy that would have allowed them to collect all of their deferred compensation and join another firm of their own choice.

Unless specifically admitted in the Answer to Fourth Amended Statement of Claim, Respondent denied the allegations made in the Fourth Amended Statement of Claim, asserted various affirmative defenses, and reasserted its Counterclaim against Continuing Claimants.

RELIEF REQUESTED

In the Statement of Claim, Claimants requested an award in the amount of \$14,140,125.00 (allocated in the amounts below), punitive damages in an amount equal to compensatory damages, attorneys' fees, and monthly penalties pursuant to the IWPCA.

1. Hutchinson: \$1,755,000.00 in compensatory damages and \$1,755,000.00 in punitive damages.
2. Cochrane: \$409,000.00 in compensatory damages and \$409,000.00 in punitive damages.
3. Hirsch: \$300,000.00 in compensatory damages and \$300,000.00 in punitive damages.
4. Vanden Huevel: \$1,100,000.00 in compensatory damages and \$1,100,000.00 in punitive damages.
5. Whitney: \$1,944,000.00 in compensatory damages and \$1,944,000.00 in punitive damages.
6. Darragh: \$300,000.00 in compensatory damages and \$300,000.00 in punitive damages.
7. Sakach: \$516,500.00 in compensatory damages and \$516,500.00 in punitive damages.
8. Moster: \$1,700,000.00 in compensatory damages and \$1,700,000.00 in punitive damages.
9. DiChristofano: \$125,625.00 in compensatory damages and \$125,625.00 in punitive damages.
10. Baldwin: \$2,900,000.00 in compensatory damages and \$2,900,000.00 in punitive damages.
11. Payne: \$250,000.00 in compensatory damages and \$250,000.00 in punitive damages.
12. Kelly: \$200,000.00 in compensatory damages and \$200,000.00 in punitive damages.
13. Board: \$140,000.00 in compensatory damages and \$140,000.00 in punitive damages.
14. Skoglund: \$400,000.00 in compensatory damages and \$400,000.00 in punitive damages.
15. Tyndorf: \$2,100,000.00 in compensatory damages and \$2,100,000.00 in punitive damages.

In the Statement of Answer and Counterclaim, Respondent requested that the Panel dismiss and/or deny relief on each and every claim asserted by Claimants; award the relief requested in its Counterclaim, as stated below; and award such other and further relief as the Panel deems just and proper.

1. Hutchinson: repayment of the compensation overpayment in the amount of \$55,493.00 plus accrued but unpaid interest, collection costs, and attorneys' fees.
2. Cochrane: repayment of the compensation overpayment in the amount of \$10,550.00 plus accrued but unpaid interest, collection costs, and attorneys' fees.
3. Hirsch: repayment of the compensation overpayment in the amount of \$12,372.11 plus accrued but unpaid interest, collection costs, and attorneys' fees.
4. Vanden Heuvel: repayment of the compensation overpayment in the amount of \$23,368.88 plus accrued but unpaid interest, collection costs, and attorneys' fees.
5. Whitney: damages for his breaches.
6. Sakach: damages for his breaches.
7. Moster: repayment of the compensation overpayment in the amount of \$32,312.00 plus accrued but unpaid interest, collection costs, and attorneys' fees.
8. DiChristofano: damages for her breaches.
9. Payne: repayment of the compensation overpayment in the amount of \$55,493.00 plus accrued but unpaid interest, collection costs, and attorneys' fees.
10. Kelly: repayment of the outstanding arrears balance in the amount of \$3,534.06 plus accrued but unpaid interest, collection costs, and attorneys' fees; and repayment of the compensation overpayment in the amount of \$12,139.95 plus accrued but unpaid interest, collection costs, and attorneys' fees.
11. Board: repayment of the compensation overpayment in the amount of \$1,155.61 plus accrued but unpaid interest, collection costs, attorneys' fees, and damages for his breaches.
12. Skoglund: damages for his breaches.
13. Tyndorf: damages for his breaches.

In the Answer to Counterclaim, Claimants requested that the counterclaims be dismissed and that costs, including reasonable attorneys' fees, be assessed against Respondent.

In the Amendment to Statement of Claim, Hutchinson Claimants requested the imposition of compensatory damages, statutory damages, punitive damages, costs, and reasonable attorneys' fees.

In the Answer to Amendment to Statement of Claim, Respondent requested that the Panel dismiss and/or deny relief on each and every claim asserted by Hutchinson Claimants, award the relief requested in its Counterclaim, and grant such other and further relief as the Panel deems just and proper.

In the Fourth Amended Statement of Claim, Continuing Claimants requested the following relief:

1. Monetary damages equal to their unpaid earned compensation, in an amount to be proved at the hearing but not less than the amounts provided below;

Deferred Compensation

- Hutchinson: \$1,627,399.84
- Hirsch: \$334,151.68
- Vanden Heuvel: \$1,114,552.04

- Whitney: \$1,745,741.32
- Sakach: \$434,834.50
- DiChristofano: \$104,009.34
- Kelly: \$212,379.96
- Board: \$113,099.56

Commissions

- Hutchinson: \$80,000.00
 - Hirsch: \$187,500.00
 - Vanden Heuvel: \$103,750.00
 - Whitney: \$997,438.00 (2014) and \$620,636.00 (2015)
 - Sakach: \$131,850.00 (2014) and \$215,933.00 (2015)
 - DiChristofano: \$55,125.00 (2014) and \$50,625.00 (2015) Kelly:
\$187,500.00
 - Board: \$18,560.30
2. Attorneys' fees and costs, as required by the IWPCA;
 3. Liquidated damages in an amount equal to the unpaid deferred compensation, as required by the IWPCA;
 4. Prejudgment interest, as required by Illinois law;
 5. Interest to run as required by Illinois law; and
 6. Such other relief as the Panel deems just, equitable, and proper.

In the Answer to Fourth Amended Statement of Claim, Respondent reasserted its request for relief on its Counterclaim against Continuing Claimants and requested that the Panel issue an award denying all of Continuing Claimants' claims and awarding it the costs and disbursements of this proceeding.

At the hearing, Continuing Claimants requested the following relief:

1. Compensatory damages, including interest:
 - Hutchinson: \$2,055,258.94 or \$2,084,320.71
 - Hirsch: \$276,899.40 or \$423,686.02
 - Vanden Heuvel: \$816,957.08 or \$1,413,182.88
 - Whitney: \$3,409,858.83; \$1,495,995.376 or \$2,213,504.34; or
\$3,602,192.08 or \$3,717,931.32
 - Sakach: \$826,987.36; \$363,803.44 or \$551,346.19; or \$883,669.83 or
\$922,165.54
 - DiChristofano: \$254,962.12; \$89,732.06 or \$131,878.14; or \$255,980.71 or
\$256,672.48
 - Kelly: \$169,091.99 or \$269,286.15
 - Board: \$133,502.44 or \$166,833.24
2. Legal Fees
 - Hutchinson: \$319,579.58
 - Hirsch: \$116,153.64
 - Vanden Heuvel: \$266,509.99
 - Whitney: \$344,348.66
 - Sakach: \$119,115.32
 - DiChristofano: \$32,679.61
 - Kelly: \$73,529.94

- Board: \$86,522.63
3. Expenses
- Hutchinson: \$99,634.84
 - Hirsch: \$37,083.17
 - Vanden Heuvel: \$74,290.59
 - Whitney: \$102,096.87
 - Sakach: \$37,082.62
 - DiChristofano: \$9,302.50
 - Kelly: \$22,638.76
 - Board: \$25,860.76

At the hearing, Respondent dismissed its counterclaims against Whitney, Sakach, and DiChristofano and requested damages, as follows:

1. Hutchinson: \$52,472.00, as reimbursement for the overpayment of compensation, plus interest in the amount of \$13,254.57;
2. Hirsch: \$12,353.63, as reimbursement for the overpayment of compensation, plus interest in the amount of \$3,120.56;
3. Vanden Heuvel: \$23,368.88, as reimbursement for the overpayment of compensation, plus interest in the amount of \$5,903.04;
4. Kelly: \$3,534.06 reflecting the arrears due under his Promissory Note, plus interest and default interest in the amount of \$1,378.27; and \$12,121.47, as reimbursement for the overpayment of compensation, plus interest in the amount of \$3,061.92;
5. Board: \$1,155.61, as reimbursement for the overpayment of compensation, plus interest in the amount of \$291.91; and
6. A rejection of all claims that Claimants have asserted and a denial of all relief requested in connection with same.

OTHER ISSUES CONSIDERED AND DECIDED

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

The Panel determined, pursuant to Rule 13606 of the Code of Arbitration Procedure (“Code”) that the court reporter’s transcript would serve as the official record of the proceeding.

On or about November 18, 2016, Respondent filed a Motion to Deconsolidate, Transfer Venue, and Stay (“Motion to Deconsolidate”). On or about November 27, 2016, Claimants filed a Response to the Motion to Deconsolidate. On or about December 2, 2016, Respondent filed a Reply in Support of the Motion to Deconsolidate.

On or about November 28, 2016, Claimants filed a Motion to Strike Counts 17 through 57 of Respondent’s Counterclaims (“Motion to Strike”). On or about December 7, 2016, Respondent filed a Response to the Motion to Strike. On or about December 10, 2016, Claimants filed a Reply Memorandum in Support of the Motion to Strike.

In an Order dated February 20, 2017, the Panel denied the Motion to Deconsolidate and the Motion to Strike.

On or about May 18, 2017, Claimants filed a Motion to File Amended Answer to Counterclaim (“Motion to File Amended Answer”). On or about May 26, 2017, Respondent filed a Response to the Motion to File Amended Answer. On or about May 30, 2017, Claimants filed a Memorandum in Support of the Motion to File Amended Answer. In an Order dated July 10, 2017, the Panel denied the Motion to File Amended Answer, with leave to refile.

On or about December 14, 2017, Respondent and Baldwin Claimants filed notice of settlement. Therefore, the Panel made no determination with respect to any of the relief requests brought by Baldwin Claimants or against Skoglund and Tyndorf.

On or about December 23, 2017, Hutchinson Claimants filed a Motion for Sanctions. On or about January 5, 2018, Respondent filed an Opposition to the Motion for Sanctions. On or about January 7, 2018, Hutchinson Claimants filed a Reply Memorandum in Support of the Motion for Sanctions. In an Order dated January 23, 2018, the Panel denied the Motion for Sanctions.

On or about February 9, 2018, Cochrane Claimants filed Stipulations of Dismissal of Claims and Counterclaims with Prejudice. Therefore, the Panel made no determination with respect to any of the relief requests brought by or against Cochrane Claimants.

On or about February 14, 2018, Respondent filed a Motion in Limine To Exclude Evidence and Argument Pertaining to New and Untimely Claims Asserted by Whitney, Sakach, and DiChristofano (“Motion in Limine”). On or about February 22, 2018, Hutchinson Claimants filed an Opposition to the Motion in Limine. On or about February 26, 2018, Respondent filed a Reply in Further Support of the Motion in Limine. In an Order dated March 10, 2018, the Panel denied the Motion in Limine.

On or about March 5, 2018, Hutchinson Claimants filed an Amendment to Statement of Claim. On or about March 23, 2018, Respondent filed an Opposition to the Motion to Amend Statement of Claim. On or about April 2, 2018, Hutchinson Claimants filed a Reply to the Opposition to the Motion to Amend Statement of Claim. On or about April 30, 2018, Hutchinson Claimants filed the Motion to File Amendment to the Statement of Claim (“Motion to Amend Statement of Claim”), which was served on March 5, 2018 but, mistakenly, not filed. In an Order dated May 7, 2018, the Panel granted the Motion to Amend Statement of Claim.

On or about May 4, 2018, Hutchinson Claimants filed a Motion for Sanctions (“Second Motion for Sanctions”). On or about May 14, 2018, Respondent filed an Opposition to the Second Motion for Sanctions and Cross Motion for Sanctions. On or about May 18, 2018, Hutchinson Claimants filed a Reply Memorandum in Support of the Second Motion for Sanctions. On or about May 23, 2018, Respondent filed a Reply in Further Support of the Cross Motion for Sanctions. On or about May 24, 2018, Hutchinson Claimants filed a Sur-Reply Memorandum in Support of the Second Motion for Sanctions. On or about May 30, 2018, Respondent filed a Response in Further Support of the Cross Motion for Sanctions. In an Order dated June 29, 2018, the Panel denied the Second Motion for Sanctions and Cross Motion for Sanctions.

On or about July 11, 2018, Hutchinson Claimants filed a Motion for Summary Finding. On or about July 13, 2018, Respondent requested that the Panel strike the Motion for Summary Finding. On or about July 16, 2018, Hutchinson Claimants responded to Respondent’s request. In an Order dated September 4, 2018, the Panel denied the Motion for Summary Finding.

On or about September 18, 2018, Respondent filed a motion requesting dismissal of the claims of Whitney, Sakach, and DiChristofano under Rules 13505, 13511, and 13212 of the Code (“Motion to Dismiss”). On or about October 29, 2018, Whitney, Sakach, and DiChristofano filed a Response to the Motion to Dismiss. On or about November 8, 2018, Respondent filed a Reply in Further Support of the Motion to Dismiss. On the record at the evidentiary hearing, the Panel denied the Motion to Dismiss.

On or about October 20, 2018, Respondent advised that a settlement with Moster had been reached and proposed an agreed “Order Dismissing Claims and Counterclaims with Prejudice Regarding Moster” to the Panel. In an Order dated October 24, 2018, the Panel ordered Moster to acknowledge that he had reached a settlement with Respondent, dismissing his claims and all counterclaims against him. On or about October 30, 2018, Moster advised that he would proceed with his arbitration claims.

On or about November 5, 2018, Respondent filed a Request for the Panel to Comply with Rule 13700(a) of the Code or, in the Alternative, Dismiss Moster’s Attempt to Revive the Claims He Dismissed with Prejudice (“Request to Comply with Rule 13700(a)”). On or about November 20, 2018, Respondent filed a letter to the Panel in support of the Request to Comply with Rule 13700(a). On or about December 17, 2018, Moster filed an opposition to the Request to Comply with Rule 13700(a). On or about January 4, 2019, Respondent filed a Reply Supporting the Request to Comply with Rule 13700(a). On or about January 10, 2019, Moster filed a Sur-Reply to the Request to Comply with Rule 13700(a). During the evidentiary hearing, the Panel requested additional briefing on the Request to Comply with Rule 13700(a). On or about January 17, 2019, Respondent filed a Response to the Panel’s Request for Additional Briefing. On or about January 18, 2019, Moster responded to the Response to the Panel’s Request for Additional Briefing. In an Order dated January 22, 2019, the Panel granted the Request to Comply with Rule 13700(a) and dismissed Moster’s claim with prejudice. Therefore, the Panel made no determination with respect to any of the relief requests brought by or against Moster.

On or about February 8, 2019, Respondent filed a Motion in Limine to Prohibit Continuing Claimants from Asserting a Brand-New Liability Theory Their New Counsel First Raised During the Thirteenth Day of the Hearing (“Second Motion in Limine”). On or about March 1, 2019, Continuing Claimants filed an Opposition to the Second Motion in Limine and Cross-Motion to Amend the Statement of Claim (“Motion for Second Amended Statement of Claim”). On or about April 16, 2019, Respondent filed a Reply Supporting the Second Motion in Limine and Opposition to the Motion for Second Amended Statement of Claim. On or about April 26, 2019, Continuing Claimants filed a reply to the Opposition to the Motion for Second Amended Statement of Claim. In an Order dated May 10, 2019, the Panel held the Second Motion in Limine in abeyance, denied Continuing Claimants’ Motion for Second Amended Statement of Claim, and allowed Continuing Claimants to file a Motion for Leave to File a Proposed Third Amended Complaint.

On or about June 7, 2019, Continuing Claimants filed a Motion to Amend the Statement of Claim (“Motion for Leave”). On or about July 11, 2019, Respondent filed a Memorandum of Law in Opposition to the Motion for Leave. On the record at the evidentiary hearing and in an Order dated August 16, 2019, the Panel granted the Motion for Leave in part and denied it in part, ordering Continuing Claimants to file a Fourth Amended Statement of Claim. On or about August 23, 2019, Continuing Claimants filed a Fourth Amended Statement of Claim.

On or about December 2, 2019, Respondent filed an opposition to Moster's oral motion, which was made during a pre-hearing conference, to reconsider the Panel's Order dated January 22, 2019, which dismissed his claim ("Opposition to Motion for Reconsideration"). On or about December 9, 2019, Moster responded to the Opposition to Motion for Reconsideration. In an Order dated April 16, 2020, the Panel reaffirmed its prior rulings.

On or about May 1, 2020, Continuing Claimants filed a Motion to Strike the "Constructive Discharge" and "Mitigation" Defenses in the Answer to the Fourth Amended Statement of Claim and Motion in Limine to Exclude Documents and Testimony Relating to Respondent's "Constructive Discharge" and "Mitigation" Defenses ("Motion to Strike and Third Motion in Limine"). On or about May 11, 2020, Respondent filed a Brief in Opposition to the Motion to Strike and Third Motion in Limine. On or about May 19, 2020, Continuing Claimants filed a Reply to the Opposition to the Motion to Strike and Third Motion in Limine. On or about May 21, 2020, Respondent filed a Sur-Reply in Opposition to the Motion to Strike and Third Motion in Limine. On or about May 23, 2020, Continuing Claimants filed a Response to the Sur-Reply in Opposition to the Motion to Strike and Third Motion in Limine. In an Order dated May 28, 2020, the Panel denied the Motion to Strike and Third Motion in Limine.

On or about February 8, 2021, Respondent filed a Notice of Withdrawal of Request for Attorneys' Fees.

The Award in this matter may be executed in counterpart copies.

AWARD

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

1. Respondent is liable for and shall pay to Hutchinson the sum of \$2,055,258.94 in compensatory damages, including prejudgment interest.
2. Respondent is liable for and shall pay to Hirsch the sum of \$276,899.40 in compensatory damages, including prejudgment interest.
3. Respondent is liable for and shall pay to Vanden Heuvel the sum of \$816,957.94 in compensatory damages, including prejudgment interest.
4. Respondent is liable for and shall pay to Whitney the sum of \$3,370,123.07 in compensatory damages, including prejudgment interest and penalties pursuant to the IWPCA.
5. Respondent is liable for and shall pay to Sakach the sum of \$656,489.73 in compensatory damages, including prejudgment interest and penalties pursuant to the IWPCA.
6. Respondent is liable for and shall pay to DiChristofano the sum of \$219,068.51 in compensatory damages, including prejudgment interest and penalties pursuant to the IWPCA.

7. Respondent is liable for and shall pay to Kelly the sum of \$169,091.99 in compensatory damages, including prejudgment interest.
8. Respondent is liable for and shall pay to Board the sum of \$133,502.44 in compensatory damages, including prejudgment interest.
9. Respondent is liable for and shall pay to Hutchinson the sum of \$99,634.84 in costs.
10. Respondent is liable for and shall pay to Hirsch the sum of \$37,083.17 in costs.
11. Respondent is liable for and shall pay to Vanden Heuvel the sum of \$74,290.59 in costs.
12. Respondent is liable for and shall pay to Whitney the sum of \$102,096.87 in costs.
13. Respondent is liable for and shall pay to Sakach the sum of \$37,082.62 in costs.
14. Respondent is liable for and shall pay to DiChristofano the sum of \$9,302.50 in costs.
15. Respondent is liable for and shall pay to Kelly the sum of \$22,638.76 in costs.
16. Respondent is liable for and shall pay to Board the sum of \$25,860.76 in costs.
17. Respondent is liable for and shall pay to Hutchinson the sum of \$216,914.84 in attorneys' fees, pursuant to the IWPCA and common law.
18. Respondent is liable for and shall pay to Hirsch the sum of \$80,047.30 in attorneys' fees, pursuant to the IWPCA and common law.
19. Respondent is liable for and shall pay to Vanden Heuvel the sum of \$180,721.27 in attorneys' fees, pursuant to the IWPCA and common law.
20. Respondent is liable for and shall pay to Whitney the sum of \$224,789.88 in attorneys' fees, pursuant to the IWPCA and common law.
21. Respondent is liable for and shall pay to Sakach the sum of \$81,310.56 in attorneys' fees, pursuant to the IWPCA and common law.
22. Respondent is liable for and shall pay to DiChristofano the sum of \$23,696.75 in attorneys' fees, pursuant to the IWPCA and common law.
23. Respondent is liable for and shall pay to Kelly the sum of \$46,251.80 in attorneys' fees, pursuant to the IWPCA and common law.
24. Respondent is liable for and shall pay to Board the sum of \$54,671.76 in attorneys' fees, pursuant to the IWPCA and common law.
25. Hutchinson is liable for and shall pay to Respondent the sum of \$65,727.20 in compensatory damages, including prejudgment interest.

26. Hirsch is liable for and shall pay to Respondent the sum of \$15,474.19 in compensatory damages, including prejudgment interest.
27. Vanden Heuvel is liable for and shall pay to Respondent the sum of \$29,271.92 in compensatory damages, including prejudgment interest.
28. Kelly is liable for and shall pay to Respondent the sum of \$20,095.72 in compensatory damages, including prejudgment interest.
29. Board is liable for and shall pay to Respondent the sum of \$1,447.51 in compensatory damages, including prejudgment interest.
30. Any and all claims for relief not specifically addressed herein, including any requests for punitive damages, treble damages, and sanctions, 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	= \$	2,250.00
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(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. Accordingly, as a party, Respondent is assessed the following:

Member Surcharge	= \$	4,025.00
Member Process Fee	= \$	7,000.00

Postponement Fees

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

January 8-12 and January 29-February 2, 2018, postponement requested by Respondent	= \$	1,500.00
December 5, 2018, postponement requested by the parties	= \$	1,500.00
August 13-16, 2019, postponement requested by the parties	= \$	1,500.00
February 24-28, 2020, postponement requested by Continuing Claimants	= \$	1,500.00
June 24 and 26, 2020, postponement requested by the parties	= \$	1,500.00
December 7, 2020, postponement requested by the parties	= \$	1,500.00

Total Postponement Fees	= \$	9,000.00
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The Panel has assessed \$6,000.00 of the postponement fees, jointly and severally, to Continuing Claimants.

The Panel has assessed \$3,000.00 of the postponement fees to Respondent.

Last-Minute Cancellation Fees

Fees apply when a hearing on the merits is cancelled within ten business days before the start of a scheduled hearing session:

December 5, 2018, cancellation requested by the parties	= \$	1,800.00
February 24-28, 2020, cancellation requested by Continuing Claimants	= \$	1,800.00
December 7, 2020, cancellation requested by the parties	= \$	1,800.00
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Total Last-Minute Cancellation Fees	= \$	5,400.00

The Panel has assessed \$3,600.00 of the last-minute cancellation fees, jointly and severally, to Continuing Claimants.

The Panel has assessed \$1,800.00 of the last-minute cancellation fees to Respondent.

Discovery-Related Motion Fees

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

Twenty (20) decisions on discovery-related motions on the papers with one (1) Arbitrator @ \$200.00/decision	= \$	4,000.00
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Three (3) decisions on discovery-related motions on the papers with the Panel @ \$600.00/decision	= \$	1,800.00
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Claimants submitted four (4) discovery-related motions
Respondent submitted fifteen (15) discovery-related motions
Non-parties submitted four (4) discovery-related motions

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Total Discovery-Related Motion Fees	= \$	5,800.00

The Panel has assessed \$1,400.00 of the discovery-related motion fees, jointly and severally, to Continuing Claimants.

The Panel has assessed \$4,400.00 of the discovery-related motion fees to Respondent.

Contested Motion for Issuance of Subpoena Fees

Fees apply for each decision on a contested motion for the issuance of a subpoena.

One (1) decision on a contested motion for the issuance of a subpoena with one Arbitrator @ \$250.00	= \$	250.00
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Total Contested Motion for Issuance of Subpoena Fees	= \$	250.00

The Panel has assessed the total contested motion for issuance of subpoena 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 Arbitrator(s), including a pre-hearing conference with the Arbitrator(s), which lasts four (4) hours or less. Fees associated with these proceedings are:

Eleven (11) pre-hearing sessions with a single Arbitrator @ \$450.00/session	= \$	4,950.00
Pre-Hearing Conferences:		
December 18, 2017	1 session	
February 1, 2018	1 session	
February 6, 2018	1 session	
February 8, 2018	1 session	
February 16, 2018	1 session	
June 28, 2018	1 session	
July 10, 2018	1 session	
January 10, 2020	1 session	
June 18, 2020	1 session	
August 17, 2020	1 session	
December 1, 2020	1 session	
Twenty-six (26) pre-hearing sessions with the Panel @ \$1,500.00/session	= \$	39,000.00
Pre-Hearing Conferences:		
January 30, 2017	1 session	
February 10, 2017	1 session	
October 19, 2017	2 sessions	
December 18, 2017	1 session	
March 15, 2018	1 session	
April 30, 2018	1 session	
June 25, 2018	1 session	
September 4, 2018	1 session	
November 16, 2018	1 session	
May 1, 2019	2 sessions	
June 28, 2019	1 session	
August 14, 2019	2 sessions	
August 15, 2019	1 session	
August 20, 2019	1 session	
November 20, 2019	1 session	
February 20, 2020	1 session	
April 15, 2020	1 session	
April 27, 2020	1 session	
May 15, 2020	1 session	
May 27, 2020	1 session	
June 12, 2020	1 session	
September 14, 2020	1 session	
June 18, 2021	1 session	
One hundred and twenty-six (126) hearing sessions @ \$1,500.00/session	= \$	189,000.00
Hearings:		
February 12, 2018	2 sessions	
February 13, 2018	2 sessions	

February 14, 2018	2 sessions
February 15, 2018	2 sessions
February 16, 2018	2 sessions
March 21, 2018	1 session
May 2, 2018	2 sessions
September 27, 2018	2 sessions
December 3, 2018	2 sessions
December 4, 2018	2 sessions
December 6, 2018	2 sessions
December 17, 2018	2 sessions
December 18, 2018	2 sessions
December 19, 2018	2 sessions
December 20, 2018	2 sessions
December 21, 2018	2 sessions
January 15, 2019	2 sessions
January 16, 2019	2 sessions
January 17, 2019	2 sessions
January 18, 2019	1 session
February 12, 2019	2 sessions
February 13, 2019	2 sessions
February 14, 2019	2 sessions
February 15, 2019	2 sessions
March 4, 2019	1 session
March 5, 2019	2 sessions
March 6, 2019	2 sessions
March 8, 2019	2 sessions
March 18, 2019	2 sessions
March 19, 2019	2 sessions
March 20, 2019	2 sessions
March 22, 2019	2 sessions
March 25, 2019	1 session
March 26, 2019	2 sessions
March 27, 2019	2 sessions
March 28, 2019	2 sessions
March 29, 2019	1 session
June 23, 2020	2 sessions
June 25, 2020	2 sessions
July 27, 2020	2 sessions
July 28, 2020	2 sessions
July 29, 2020	2 sessions
July 30, 2020	2 sessions
July 31, 2020	2 sessions
October 26, 2020	2 sessions
October 27, 2020	2 sessions
October 28, 2020	2 sessions
October 29, 2020	2 sessions
October 30, 2020	2 sessions
December 8, 2020	2 sessions
December 9, 2020	2 sessions

December 10, 2020	1 session
December 11, 2020	2 sessions
January 19, 2021	2 sessions
January 20, 2021	2 sessions
January 21, 2021	2 sessions
January 22, 2021	2 sessions
January 25, 2021	2 sessions
February 22, 2021	2 sessions
February 23, 2021	2 sessions
February 24, 2021	2 sessions
June 28, 2021	2 sessions
June 29, 2021	2 sessions
June 30, 2021	2 sessions
July 1, 2021	2 sessions
August 16, 2021	2 sessions

Total Hearing Session Fees	= \$ 232,950.00
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The Panel has assessed \$13,500.00 of the hearing session fees, jointly and severally, to Continuing Claimants.

The Panel has assessed \$6,000.00 of the hearing session fees to Moster.

The Panel has assessed \$213,450.00 of the hearing session fees to Respondent.

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

ARBITRATION PANEL

Steven H. Vogel	-	Public Arbitrator, Presiding Chairperson
Leonard Arthur Nelson	-	Public Arbitrator
Richard Lane Miller, II	-	Non-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.

Concurring Arbitrators' Signatures

Steven H. Vogel

Steven H. Vogel
Public Arbitrator, Presiding Chairperson

11/05/2021

Signature Date

Leonard Arthur Nelson

Leonard Arthur Nelson
Public Arbitrator

11/05/2021

Signature Date

Richard Lane Miller, II

Richard Lane Miller, II
Non-Public Arbitrator

11/04/2021

Signature Date

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.

November 05, 2021

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