

**Amended Award  
FINRA Office of Dispute Resolution**

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In the Matter of the Arbitration Between:

Claimant  
Suntrust Robinson Humphrey, Inc.

Case Number: 16-01718

vs.

Respondent  
Calton & Associates, Inc.

Hearing Site: Tampa, Florida

vs.

Third Party Respondent  
William Blair & Company L.L.C.

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Nature of the Dispute: Member vs. Member vs. Member

**REPRESENTATION OF PARTIES**

For Claimant Suntrust Robinson Humphrey, Inc.: Frederick S. Schriels, Esq., Gray Robinson, P.A., Tampa, Florida.

For Respondent Calton & Associates, Inc. ("Calton"): Debra A. Jenks, Esq. and Robert J. Harvey, Esq., Jenks & Harvey, LLP, West Palm Beach, Florida.

For Third Party Respondent William Blair & Company L.L.C. ("WB"): George L. Guerra, Esq., Wiand Guerra King, P.A., Tampa, Florida.

**CASE INFORMATION**

Statement of Claim filed on or about: June 8, 2016.

Amended Statement of Claim filed on or about: August 8, 2016.

Suntrust Robinson Humphrey, Inc. signed the Submission Agreement: June 15, 2016. and November 18, 2016.

Statement of Answer and Third Party Claim filed by Respondent Calton on or about: September 29, 2016.

Calton & Associates, Inc. signed the Submission Agreement: October 3, 2016.

Statement of Answer filed by Third Party Respondent WB on or about: December 9, 2016.

William Blair & Company L.L.C. signed the Submission Agreement: October 18, 2016.

### **CASE SUMMARY**

In the Statement of Claim, as amended, Claimant asserted the following causes of action: breach of contract and violation of FINRA rules. The causes of action relate to the cancellation of a trade regarding AgriBank FCB bonds (CUSIP 00850LAA2).

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

In the Third Party Claim, Respondent Calton asserted the following causes of action: breach of contract and violation of FINRA rules. The causes of action relate to the cancellation of a trade regarding AgriBank FCB bonds (CUSIP 00850LAA2).

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

### **RELIEF REQUESTED**

In the Statement of Claim, as amended, Claimant requested: an award requiring Respondent to comply with its obligations under the parties' binding contract; \$1,187,629.44 in compensatory damages; pre- and post-award interest; costs; assessments; surcharges; and attorneys' fees.

In the Statement of Answer, Respondent Calton requested: dismissal of all claims in their entirety and assessment of all costs in this matter, including all filing and forum fees, against Claimant.

In the Third Party Claim, Respondent Calton requested: (1) cancellation of the trade; (2) full indemnification in the event Respondent Calton is held liable to Claimant on any of Claimant's claims; and (3) reimbursement for its expenses in defense of this action.

In the Statement of Answer to the Third Party Claim, Third Party Respondent WB requested: (1) the denial of Respondent's Third Party Claim in their entirety; (2) attorneys' fees and costs; and (3) such additional and further relief deemed just and appropriate.

At the close of the hearing, Claimant requested: \$945,360.69 in compensatory damages and \$142,702.90 in interest.

### **OTHER ISSUES CONSIDERED AND DECIDED**

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

This Award was amended solely for the purpose of correcting counsel of record for Respondent Calton.

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, and the post-hearing submissions (if any), the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondent Calton is liable for breach of contract and shall pay to Claimant the sum of \$945,360.69 in compensatory damages and \$142,702.90 in interest.
2. Third Party Respondent WB is liable for indemnification on the breach of contract claim and shall pay to Respondent Calton the sum of \$945,360.69 in compensatory damages and \$142,702.90 in interest.
3. Other than forum fees which are specified below, the parties shall each bear their own costs and expenses incurred in this matter.
4. Any and all claims for relief not specifically addressed herein, including Claimant's and Third Party Respondent WB's requests for attorneys' fees, and Respondent Calton's request for reimbursement of expenses in defense of this claim, are denied.

### **FEES**

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

#### **Filing Fees**

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

Initial Claim Filing Fee	= \$ 4,000.00
Third Party Filing Fee	= \$ 3,400.00

*\*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 parties, Claimant, Respondent Calton, and Third Party Respondent WB are assessed the following:

#### **Suntrust Robinson Humphrey, Inc.**

Member Surcharge	= \$ 3,600.00
Member Process Fee	= \$ 6,175.00

#### **Calton & Associates, Inc.**

Member Surcharge	= \$ 3,600.00
Member Process Fee	= \$ 6,175.00

**William Blair & Company L.L.C.**

Member Surcharge	= \$ 3,025.00
Member Process Fee	= \$ 6,175.00

**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) that lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) pre-hearing session with the Panel @ \$1,400.00/session	= \$ 1,400.00
Pre-hearing conference: February 27, 2017	1 session
Five (5) hearing sessions @ \$1,400.00/session	= \$ 7,000.00
Hearing Dates: December 5, 2017	2 sessions
December 6, 2017	2 sessions
December 7, 2017	1 session

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Total Hearing Session Fees	= \$ 8,400.00
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The Panel has assessed \$4,200.00 of the hearing session fees to Claimant.

The Panel has assessed \$2,100.00 of the hearing session fees to Respondent Calton.

The Panel has assessed \$2,100.00 of the hearing session fees to Third Party Respondent WB.

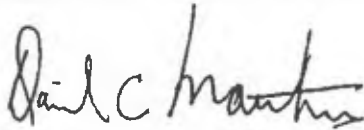
All balances are payable to FINRA Office of Dispute Resolution and are due upon receipt.

**ARBITRATION PANEL**

David C. Matthews	-	Non-Public Arbitrator, Presiding Chairperson
Oliver J. Janney	-	Non-Public Arbitrator
James Schoenbeck	-	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**



\_\_\_\_\_  
David C. Matthews  
Non-Public Arbitrator, Presiding Chairperson

12/18/2017

\_\_\_\_\_  
Signature Date

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Oliver J. Janney  
Non-Public Arbitrator

\_\_\_\_\_  
Signature Date

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James Schoenbeck  
Non-Public Arbitrator

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Signature Date

December 19, 2017

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

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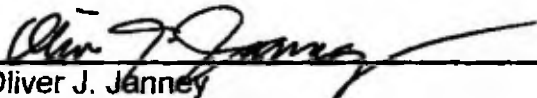
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12/19/17  
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Signature Date

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