

Award
FINRA Office of Dispute Resolution

In the Matter of the Arbitration Between:

Claimant
Sterling Huntley

Case Number: 16-03721

vs.

Respondents
Apex Clearing Corporation
TradingBlock

Hearing Site: Atlanta, Georgia

Nature of the Dispute: Customer vs. Members

This case was decided by an all-public panel.

REPRESENTATION OF PARTIES

For Claimant Sterling Huntley: Alan R. Perry, Jr., Esq., Page Perry, Atlanta, Georgia.

For Respondent Apex Clearing Corporation ("Apex"): Jonathan D. Neerman, Esq., Jackson Walker LLP, Dallas, Texas.

For Respondent TradingBlock: Debra A. Jenks, Esq. and Robert J. Harvey, Esq., Jenks & Harvey LLP, West Palm Beach, Florida.

CASE INFORMATION

Statement of Claim filed on or about: December 22, 2016.

Sterling Huntley signed the Submission Agreement: December 20, 2016.

Statement of Answer filed by Respondent Apex on or about: March 10, 2017.

Apex Clearing Corporation signed the Submission Agreement: March 10, 2017.

Statement of Answer and Counterclaim filed by Respondent TradingBlock on or about: March 10, 2017.

TradingBlock signed the Submission Agreement: March 10, 2017.

Statement of Answer to Respondent TradingBlock's Counterclaim filed by Claimant on or about: March 29, 2017.

CASE SUMMARY

Claimant asserted the following causes of action: breach of an implied contract; equitable estoppel; and breach of an assumed duty. The causes of action relate to trades involving ProShares Ultra VIX Short-Term Futures ETF ("UVXY") options.

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

Unless specifically admitted in its Statement of Answer, Respondent TradingBlock denied the allegations made in the Statement of Claim and asserted various affirmative defenses and a Counterclaim. In its Counterclaim, Respondent TradingBlock asserted breach of contract and unjust enrichment as the causes of action, which relate to Claimant's alleged refusal to satisfy the outstanding debit to satisfy all margin and maintenance calls in the UVXY option contracts.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested: compensatory damages in excess of \$280,000.00; interest on his claims from the time they accrued; attorneys' fees; and costs.

In its Statement of Answer, Respondent Apex requested: that Claimant's claims be dismissed in their entirety; attorneys' fees; and all costs associated with this arbitration.

In its Statement of Answer, Respondent TradingBlock requested that Claimant's claims be dismissed in their entirety. In its Counterclaim, Respondent TradingBlock requested: an award against Claimant in the amount of \$157,368.31; costs and expenses, including attorneys' fees; and any other relief deemed just and equitable.

At the close of the hearing, Respondent Apex withdrew its request for attorneys' fees.

OTHER ISSUES CONSIDERED AND DECIDED

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

After Claimant's case-in-chief, Respondents Apex and TradingBlock each moved to dismiss the claims against them on the basis that Claimant failed to present testimony and evidence that supported the claim that either Respondent was the cause of Claimant's losses, to which Claimant objected. After hearing oral argument, the Panel granted Respondent Apex's and Respondent TradingBlock's Motions on the basis that Claimant failed to prove any claims against either Respondent upon which a decision could be rendered against them.

Upon hearing the Panel's ruling granting the Respondents' Motions to Dismiss, Claimant moved for Reconsideration. After hearing arguments from all parties on Claimant's Motion, the Panel deliberated and unanimously upheld its initial determination of granting Respondent Apex's and Respondent TradingBlock's Motions to Dismiss.

After Claimant's case-in-chief, Respondent TradingBlock moved to dismiss with prejudice its Counterclaim against Claimant. The Panel granted the motion.

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. Claimant's claims are dismissed with prejudice.
2. Respondent TradingBlock's Counterclaim is dismissed with prejudice.
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 Respondent TradingBlock's requests for attorneys' fees, 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	WAIVED
Counterclaim Filing Fee	=\$ 2,125.00

**Each filing fee is made up of a non-refundable and a refundable portion.*

FINRA Office of Dispute Resolution previously deferred Claimant's non-refundable filing fee. 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(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. Accordingly, as parties, Respondents Apex and TradingBlock are assessed the following:

Respondent Apex:

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

Respondent TradingBlock:

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

Discovery-Related Motion Fee

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

One (1) decision on a discovery-related motion on the papers
with one (1) arbitrator @ \$200.00/decision = \$ 200.00

Respondent TradingBlock submitted one discovery-related motion.

Total Discovery-Related Motion Fees = \$ 200.00

The Panel has assessed the total \$200.00 discovery-related motion fee jointly and severally to Respondents.

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 @ \$1,125.00/session = \$ 1,125.00
Pre-hearing conference: May 5, 2017 1 session

Five (5) hearing sessions @ \$1,125.00/session = \$ 5,625.00
Hearing Dates: February 27, 2018 2 sessions
February 28, 2018 2 sessions
March 1, 2018 1 sessions

Total Hearing Session Fees = \$ 6,750.00

The Panel has assessed the total \$6,750.00 in hearing session fees jointly and severally to Respondents.


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

ARBITRATION PANEL

Harvey R. Linder	-	Public Arbitrator, Presiding Chairperson
Deborah Johns Tatum	-	Public Arbitrator
George Pinckney Shingler	-	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



Harvey R. Linder
Public Arbitrator, Presiding Chairperson



Signature Date

Deborah Johns Tatum
Public Arbitrator

Signature Date

George Pinckney Shingler
Public Arbitrator

Signature Date

March 7, 2018

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

ARBITRATION PANEL

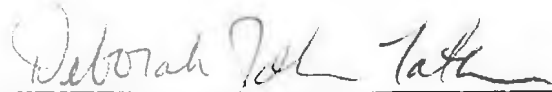
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Public Arbitrator, Presiding Chairperson

Signature Date



3-6-18

Deborah Johns Tatum
Public Arbitrator

Signature Date

George Pinckney Shingler
Public Arbitrator

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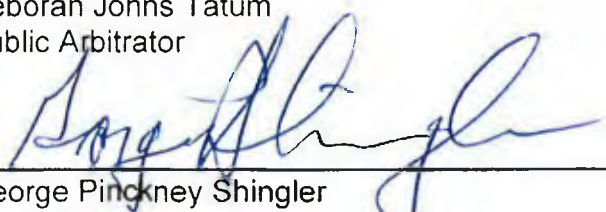
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Signature Date

March 7, 2018

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