

**Award  
FINRA Dispute Resolution**

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In the Matter of the Arbitration Between:

Ronald A. Roganti (Claimant) v. Metropolitan Life Insurance Company (Respondent)

Case Number: 04-04876

Hearing Site: New York, New York

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Nature of the Dispute: Associated Person vs. Member.

**REPRESENTATION OF PARTIES**

Claimant Ronald A. Roganti, hereinafter referred to as "Claimant": Robert Kraus, Esq. and Pearl Zuchlewski, Esq., Kraus & Zuchlewski LLP, New York, NY. Previously represented by Pearl Zuchlewski, Esq., Goodman & Zuchlewski LLP, New York, NY.

Respondent Metropolitan Life Insurance Company, hereinafter referred to as "Respondent": Steven Yarusinsky, Esq., Proskauer Rose LLP, Newark, NJ and Rachel B. Cowen, Esq., Paul Hastings Janofsky & Walker LLP, Chicago, IL.

**CASE INFORMATION**

Statement of Claim filed on or about: July 9, 2004.

Claimant signed the Uniform Submission Agreement: July 19, 2004.

Statement of Answer and Motion to Dismiss filed by Respondent on or about: February 16, 2007.

Respondent did not submit a Submission Agreement.

**CASE SUMMARY**

Claimant asserted the following causes of action: breach of contract, retaliation, violation of ERISA, violation of the Sarbanes-Oxley Act, and quantum meruit.

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

**RELIEF REQUESTED**

Claimant requested unspecified compensatory damages, unspecified punitive damages, an accounting of R. Roganti & Associates' revenues and expenses, appropriate back pay, front pay and reimbursement for lost benefits, attorneys' fees, costs, disbursements, interest, and such further and additional relief as the Panel may deem just and proper.

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At the hearing, Claimant requested compensatory damages in the range of \$11,483,000.00 to \$32,764,506.00.

Respondent requested dismissal of the Statement of Claim in its entirety with prejudice.

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

The Panel acknowledges that they have each read the pleadings and other materials submitted by the parties.

Respondent did not file with FINRA Dispute Resolution a properly executed Submission Agreement but is required to submit to arbitration pursuant to the Code and, having answered the claim, and appeared and testified at the hearings, is bound by the determination of the Panel on all issues submitted.

By correspondence dated November 6, 2006, Respondent filed a Motion to Dismiss and Claimant objected. On December 14, 2006, the Panel conducted a telephonic pre-hearing conference to hear oral arguments from the parties regarding Respondent's Motion to Dismiss. After due deliberation and by Order dated December 14, 2006, the Panel denied Respondent's Motion.

After due deliberation and by Order dated April 3, 2007, the Panel denied Respondent's Motion to Dismiss contained in its Statement of Answer.

After conclusion of Claimant's case-in-chief, by correspondence dated May 28, 2010, Respondent filed a Motion for a Directed Verdict and Claimant objected. After due deliberation and by Order dated June 2, 2010, the Panel denied Respondent's Motion.

The parties 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. Respondent is liable for and shall pay to Claimant compensatory damages in the amount of \$2,492,442.07 above its existing pension and benefit obligation to Claimant.
2. Any and all relief not specifically addressed herein, including punitive damages, is denied.

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### FEE\$

Pursuant to the Code, the following fees are assessed:

#### Filing Fees

FINRA Dispute Resolution will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee = \$ 1,250.00

#### Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firms that employed the associated person at the time of the events giving rise to the dispute. Accordingly, as a party, Metropolitan Life Insurance Company, is assessed the following:

Member surcharge = \$ 1,500.00  
 Pre-hearing process fee = \$ 750.00  
 Hearing process Fee = \$ 2,200.00

#### Discovery-Related Motion Fees

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

One (1) Decision on discovery-related motion on the papers  
 with (1) one arbitrator @ \$200.00 = \$ 200.00  
Claimant submitted one discovery-related motion  
 Total Discovery-Related Motion Fees = \$ 200.00

The Panel has assessed \$200.00 of the discovery-related motion fees to Respondent.

#### Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

November 12,13,16,17, and 18, 2009 adjournment by parties Waived

#### 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 a single arbitrator @ \$450.00 = \$ 450.00  
 Pre-hearing conference: March 14, 2007 1 session

Four (4) Pre-hearing sessions with Panel @ \$1,000.00 = \$ 4,000.00  
 Pre-hearing conferences: December 14, 2006 1 session  
 January 11, 2007 1 session  
 May 8, 2009 1 session  
 October 6, 2009 1 session

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Thirty-Two (32) Hearing sessions @ \$1,000.00		= \$32,000.00
Hearing dates:		
February 3, 2010	2 sessions	
February 4, 2010	1 session	
February 5, 2010	2 sessions	
April 6, 2010	2 sessions	
April 9, 2010	2 sessions	
April 19, 2010	2 sessions	
April 20, 2010	2 sessions	
April 23, 2010	2 sessions	
May 10, 2010	2 sessions	
July 21, 2010	2 sessions	
July 22, 2010	2 sessions	
July 23, 2010	2 sessions	
July 26, 2010	2 sessions	
August 9, 2010	2 sessions	
August 10, 2010	2 sessions	
August 11, 2010	1 session	
August 17, 2010	2 sessions	
<hr/> Total Hearing Session Fees		<hr/> = \$36,450.00

The Panel has assessed \$36,450.00 of the hearing session fees to Respondent.

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

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**ARBITRATION PANEL**

Daniel Robbins	-	Public Arbitrator, Presiding Chairperson
George W. Fehling	-	Public Arbitrator
Catherine Ladnier	-	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**



Daniel Robbins  
Public Arbitrator, Presiding Chairperson

9/30/10  
Signature Date

\_\_\_\_\_  
George W. Fehling  
Public Arbitrator

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

\_\_\_\_\_  
Catherine Ladnier  
Non-Public Arbitrator

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

**September 2, 2010**  
\_\_\_\_\_  
Date of Service (For FINRA Dispute Resolution use only)

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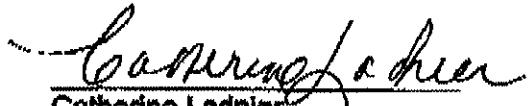
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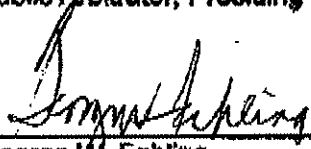
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