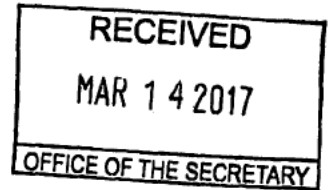




Financial Industry Regulatory Authority

Jante C. Turner  
Associate General Counsel

Telephone: 202-728-8317  
Facsimile: 202-728-8264



March 13, 2017

**VIA MESSENGER**


Brent J. Fields, Secretary  
Securities and Exchange Commission  
100 F Street, NE, Room 10915  
Washington, DC 20549-1090

**RE: APPLICATION FOR REVIEW OF KEITH PATRICK SEQUEIRA  
ADMINISTRATIVE PROCEEDING FILE NO. 3-17734**

Mr. Fields:

Enclosed are the original and three copies of FINRA's Brief in Opposition to the Application for Review for the above-referenced matter. Please contact me at 202-728-8317 if you have any questions.

Very truly yours,

  
Jante C. Turner

cc: Keith Patrick Sequeira  
[Redacted]  
Middletown, NJ [Redacted]  
[Redacted] - Telephone  
[Redacted] - Electronic Mail

Enclosures

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**BEFORE THE  
SECURITIES AND EXCHANGE COMMISSION  
WASHINGTON, DC**

In the Matter of the Application of  
Keith Patrick Sequeira  
For Review of Disciplinary Action by  
FINRA  
Administrative Proceeding File No. 3-17734

**FINRA'S BRIEF IN OPPOSITION TO THE APPLICATION FOR REVIEW**

Alan Lawhead  
Vice President and  
Director – Appellate Group

Michael Garawski  
Associate General Counsel

Jante Turner  
Associate General Counsel

FINRA – Office of General Counsel  
1735 K Street, NW  
Washington, DC 20006  
202-728-8317 – Telephone  
202-728-8264 – Facsimile

March 13, 2017

**TABLE OF CONTENTS**

	<b><u>PAGE</u></b>
I. FACTUAL AND PROCEDURAL BACKGROUND.....	3
A. Sequeira’s Loan with Wells Fargo.....	3
B. The Arbitration Award.....	4
C. The Superior Court Dismisses Sequeira’s Attempt to Vacate the Arbitration Award ( <i>Sequeira III</i> ).....	5
1. The Superior Court Dismisses <i>Sequeira III</i> .....	5
2. The Superior Court Denies Sequeira’s Motion for Reconsideration in <i>Sequeira III</i> .....	6
3. The Superior Court Denies Sequeira’s First Motion to Reinstate in <i>Sequeira III</i> .....	7
4. The Superior Court Denies Sequeira’s Second Motion to Reinstate in <i>Sequeira III</i> .....	8
D. FINRA Issues Sequeira a Notice of Pending Suspension.....	9
E. Sequeira’s Hearing Before a FINRA Hearing Officer.....	10
F. Sequeira’s Related Court Actions.....	11
1. <i>Sequeira I</i> .....	11
2. <i>Sequeira II</i> .....	12
II. ARGUMENT .....	12
A. The Standard of Review.....	13
B. The Specific Grounds on Which FINRA Based Its Action Against Sequeira – that Sequeira Has Not Paid the Arbitration Award – Exist in Fact .....	14
1. The Superior Court Dismissed <i>Sequeira III</i> , and the Case “Remains Closed” .....	15
2. <i>Sequeira III</i> Is Not Pending .....	16
C. FINRA Sanctioned Sequeira in Accordance with Its Rules for His Failure to Satisfy the Arbitration Award.....	17

**TABLE OF CONTENTS (cont'd)**

	<b><u>PAGE</u></b>
1. FINRA’s Regulatory Framework Provides for the Prompt Payment of Arbitration Awards .....	17
2. FINRA Complied with its Rules Related to Expedited Suspension Proceedings .....	18
3. Sequeira’s Criticism of the FINRA Hearing Officer’s Decision Has No Merit.....	20
4. The FINRA Hearing Officer Properly Ordered that Sequeira’s Suspension Converts to a Bar Within 30 Days Unless He Satisfies the Arbitration Award.....	22
D. FINRA Applied Its Rules in a Manner Consistent with the Exchange Act.....	23
E. The Commission Should Reject Sequeira’s Collateral Attacks on <i>Sequeira III</i> and the Arbitration Award .....	24
F. The Commission Should Reject Sequeira’s Unsubstantiated Claims Concerning His Inability to Pay the Arbitration Award.....	25
III. CONCLUSION.....	27



## TABLE OF AUTHORITIES

### PAGE(S)

#### FEDERAL DECISIONS

*United States v. Azhocar*, 581 F.2d 735 (9th Cir. 1978).....21

#### STATE DECISIONS

*Sequeira v. Prudential Equity Group, LLC*, Docket No. A-0734-10T3,  
2014 N.J. Super. Unpub. LEXIS 2425 (N.J. Super. Ct. Law Div. Oct. 9, 2014) .....11

*Sequeira v. Prudential Equity Group, LLC*, 116 A.3d 1072 (N.J. July 6, 2015).....11

*Sequeira v. Wells Fargo & Co.*, Docket No. A-3239-13T1,  
2016 N.J. Super. Unpub. LEXIS 400 (N.J. Super. Ct. App. Div. Feb. 24, 2016) .....3, 4, 11, 12

#### COMMISSION RULES, DECISIONS, AND RELEASES

*James M. Bowen*, 51 S.E.C. 1152 (1994) .....18

*Brooklyn Capital*, 52 S.E.C. 1286 (1997).....25

*Castle Sec. Corp.*, 58 S.E.C. 826 (2005).....26

*Eric M. Diehm*, 51 S.E.C. 938 (1994).....24

*Michael Albert DiPietro*, Exchange Act Release No. 77398,  
2016 SEC LEXIS 1036 (Mar. 17, 2016).....13, 14, 18, 19, 23, 24

*Anthony Fields*, Exchange Act Release No. 74344,  
2015 SEC LEXIS 662 (Feb. 20, 2015) .....3

*Herbert Garrett Frey*, 53 S.E.C. 146 (1997) .....17

*William J. Gallagher*, 56 S.E.C. 163 (2003).....13, 17, 23, 24

*Ashton Noshir Gowadia*, 53 S.E.C. 786 (1998).....26

*Peter Thomas Higgins*, 51 S.E.C. 865 (1993).....24

*Kent M. Houston*, Exchange Act Release No. 71589,  
2014 SEC LEXIS 614 (Feb. 20, 2014) .....25, 26

*Notice of Filing of Proposed Rule Change*, Exchange Release 48887,  
2003 SEC LEXIS 2919 (Dec. 5, 2003).....22

**TABLE OF AUTHORITIES** (cont'd)

**PAGE(S)**

*Order Approving Proposed Rule Change*, Exchange Release No. 49380,  
2004 SEC LEXIS 552 (Mar. 2004).....23

*Richard R. Pendleton*, 53 S.E.C. 675 (1998).....23, 24, 25

*Russo Securities, Inc.*, 55 S.E.C. 58 (2001).....21

*Stix & Co.*, 46 S.E.C. 578 (1976).....25

*Robert Tretiak*, 56 S.E.C. 209 (2003).....24, 25

**NASD/FINRA DECISIONS AND RELEASES**

*NASD Notice to Members 00-55*,  
2000 NASD LEXIS 63 (Aug. 2000).....9, 14, 17, 18, 19, 20, 21, 22

**FEDERAL STATUTES AND CODES**

15 U.S.C. § 78s .....13

17 C.F.R. § 201.323 .....3

17 C.F.R. § 201.452 .....21

**FINRA RULES**

FINRA Rule 9559 .....22

FINRA Rule 13904 .....14

**BEFORE THE  
SECURITIES AND EXCHANGE COMMISSION  
WASHINGTON, DC**

In the Matter of the Application of

Keith Patrick Sequeira

For Review of Disciplinary Action by

FINRA

Administrative Proceeding File No. 3-17734

**FINRA'S BRIEF IN OPPOSITION TO THE APPLICATION FOR REVIEW**

Keith Patrick Sequeira has appealed an expedited FINRA decision issued on November 18, 2016. In that decision, a FINRA Hearing Officer imposed a suspension on Sequeira, which converted to a bar within 30 days, unless Sequeira satisfied the arbitration award ("Arbitration Award") issued against him in favor of his former employer, Wells Fargo Advisors, LLC ("Wells Fargo"). The Hearing Officer carefully evaluated Sequeira's arguments that several lawsuits justified his failure to pay the Arbitration Award. The Hearing Officer found no merit in Sequeira's position.

In August 2014, FINRA's Dispute Resolution arm entered the Arbitration Award against Sequeira in favor of Wells Fargo in the amount of \$78,462.56 plus interest. FINRA informed Sequeira that he would be suspended unless he paid the Arbitration Award in full by September 4, 2016. Sequeira did not pay the Arbitration Award, opting, instead, to file a multiple count civil lawsuit ("*Sequeira III*") against Wells Fargo, FINRA, and others in the Superior Court of New Jersey in Monmouth County ("Superior Court"). As part of *Sequeira III*, Sequeira sought to vacate the Arbitration Award that FINRA had entered against him, but the Superior Court dismissed *Sequeira III* in March 2015. The Superior Court also denied Sequeira's repeated

attempts to have the case reinstated to the Superior Court's active trial docket. As the Superior Court stressed on December 2, 2016, when it denied Sequeira's most recent attempt to reopen *Sequeira III*, "this case remains closed."

The record amply demonstrates that the specific grounds on which FINRA relied are based in fact, FINRA fully responded to the relevant legal issues that Sequeira raised in response to his failure to pay the Arbitration Award, and FINRA acted in accordance with its rules by suspending Sequeira for his failure to pay the Arbitration Award. The FINRA Hearing Officer carefully examined the procedural history of *Sequeira III*, properly determined that Sequeira sought to vacate the Arbitration Award in *Sequeira III*, and correctly concluded that the Superior Court had dismissed *Sequeira III* and denied Sequeira's request to vacate the Arbitration Award. Accordingly, the Hearing Officer suspended Sequeira's registration with FINRA, and – in an attempt to encourage Sequeira to satisfy the Arbitration Award – suspended him for 30 days, after which the suspension converts to a bar. The Hearing Officer also provided that Sequeira could end his suspension by providing sufficient documentary evidence that he and Wells Fargo have agreed to a complete settlement of the award, or filing a bankruptcy petition or demonstrating that the award has been discharged by a bankruptcy court.

On appeal, Sequeira sets forth no basis to set aside FINRA's well-founded decision. Rather, Sequeira resurrects the same failing arguments that he pitched to the Hearing Officer – that the Superior Court's dismissal of his case inexplicably translates into his case being open, and, incredibly, that resolution of *Sequeira III* in his favor is imminent. Sequeira's arguments are tenuous. Sequeira's denunciations of FINRA's expedited proceeding and the underlying Arbitration Award are unsubstantiated, and his collateral attack on the Arbitration Award is impermissible. The bases underlying FINRA's decision are fully supported by the record. The Commission should dismiss Sequeira's application for review.

## I. FACTUAL AND PROCEDURAL BACKGROUND

In September 1998, Wells Fargo's predecessor, Prudential Securities, Inc., hired Sequeira as a general securities representative. RP 434.<sup>1</sup> Sequeira remained employed with Wells Fargo and its predecessors for nearly 12 years.<sup>2</sup> RP 431-35. In August 2010, Wells Fargo terminated Sequeira's employment. RP 432. The Uniform Termination Notice for Securities Industry Registration (Form U5) that Wells Fargo filed with FINRA stated that Wells Fargo discharged Sequeira "due to workplace deportment . . . inconsistent with company policy . . . not compliance/customer related." RP 432.

Sequeira registered with another broker-dealer, Royal Alliance Associates, Inc., later that same month. RP 431. Royal Alliance Associates terminated Sequeira's association six years later, in November 2016. *See* Sequeira's CRD at 3 (Dated Mar. 13, 2017), attached as Appendix A.<sup>3</sup> Sequeira has not registered with another FINRA firm since that time. Appendix A at 3.

### A. Sequeira's Loan with Wells Fargo

In February 2010, Wells Fargo loaned Sequeira \$47,462.56 pursuant to a "Client Service and Loyalty Award – Level One Agreement" ("Level One Agreement") and a promissory note that Sequeira signed ("Promissory Note").<sup>4</sup> *See Sequeira v. Wells Fargo & Co.*, Docket No. A-

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<sup>1</sup> "RP" refers to the record page number in the certified record. "Br." refers to Sequeira's brief in support of his application for review.

<sup>2</sup> This brief refers to Wells Fargo, and its predecessors, collectively, as "Wells Fargo."

<sup>3</sup> FINRA requests that the Commission take administrative notice of Sequeira's CRD. 17 C.F.R. § 201.323 (explaining that the Commission may take notice "of any material fact which might be judicially noticed by a district court of the United States, any matter in the public official records of the Commission, or any matter which is peculiarly within the knowledge of the Commission as an expert body"); *see also Anthony Fields*, Exchange Act Release No. 74344, 2015 SEC LEXIS 662, at \*6 n.3 (Feb. 20, 2015).

<sup>4</sup> Sequeira refers to the Level One Agreement as the "4Front Contract." Br. at 2. The record does not contain a copy of the Level One Agreement or Promissory Note.

3239-13T1, 2016 N.J. Super. Unpub. LEXIS 400, at \*5 (N.J. Super. Ct. App. Div. Feb. 24, 2016) (decision of the Superior Court, Appellate Division, based on Sequeira's appeal of *Sequeira II*). The Level One Agreement stated that, "any action instituted as a result of any controversy arising out of [the Level One Agreement] . . . shall be brought before the arbitration facility of [FINRA]." *Id.* The Level One Agreement asserted "that arbitration shall be the parties' exclusive remedy and that the results of such arbitration shall be final and binding upon them." *Id.* The Promissory Note contained a similar articulation of the Level One Agreement's arbitration requirement, and it listed the termination of Sequeira's employment with Wells Fargo as an "event of default." *Id.*

#### **B. The Arbitration Award**

In May 2012, nearly two years after Wells Fargo terminated Sequeira's employment, Wells Fargo filed a statement of claim against Sequeira with FINRA. RP 459. Wells Fargo's statement of claim asserted that Sequeira had breached the terms of the Level One Agreement and the Promissory Note, and, consequently, that the firm was entitled to certain remedies pursuant to the agreement and note. RP 459. Sequeira denied the allegations, and he filed a counterclaim against Wells Fargo for breach of contract, retaliation, and discrimination. RP 459. The arbitration hearing took place over two hearing days in May 2014. RP 462.

On August 5, 2014, the arbitration panel entered the Arbitration Award against Sequeira and in favor of Wells Fargo. RP 459-65. The arbitration panel awarded Wells Fargo a total of \$78,462.56 plus interest: (1) compensatory damages of \$47,462.56 plus 2.45% annual interest from August 25, 2010, until paid; (2) attorney's fees of \$30,000; and (3) filing fees of \$1,000. RP 460-61. The arbitration panel denied Sequeira's counterclaim "in its entirety." RP 461.

**C. The Superior Court Dismisses Sequeira's Attempt to Vacate the Arbitration Award (*Sequeira III*)**

FINRA sent Sequeira a copy of the Arbitration Award by letter on August 5, 2014. RP 467-69, 471-72. The letter informed Sequeira that he was obligated to pay the award in full by September 4, 2014, and it stressed that, “[a]ll monetary awards shall be paid within 30 days of receipt unless a motion to vacate has been filed with a court of competent jurisdiction.” RP 471.

Sequeira did not pay the Arbitration Award. Rather, Sequeira contacted FINRA to inform FINRA that he had “moved to vacate the arbitration award.” RP 473. On September 4, 2014, Sequeira filed *Sequeira III* in the Superior Court against Wells Fargo, its attorneys, FINRA, and several other individuals and entities. RP 475-504; *see also Sequeira III* (Docket No. MON-L-003393-14), Statement of Reasons, Order Denying Sequeira's Second Motion to Reinstate (Dated Dec. 2, 2016), attached as Appendix B.<sup>5</sup> Sequeira sought to vacate the Arbitration Award, alleged that Wells Fargo and FINRA had engaged in various wrongful acts and omissions, and requested damages and other relief. RP 497-502.

**1. The Superior Court Dismisses *Sequeira III***

Sequeira did not properly and timely effect service of process on the *Sequeira III* defendants, and, on March 27, 2015, the Superior Court dismissed *Sequeira III* and marked the case closed. RP 569; Appendix B at 3-4 ¶ 5. The Superior Court's Order stated that the “matter has been dismissed without prejudice for lack of prosecution . . . . This order closes the file.” RP 587.

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<sup>5</sup> Appendices B through E are the Superior Court's rulings in *Sequeira I*, *Sequeira II*, and *Sequeira III*. FINRA requests that the Commission take administrative notice of these rulings. *See supra* note 3.

On April 10, 2015, the Superior Court considered whether it should reopen *Sequeira III* to provide Sequeira with an extension of time to file and serve an amended complaint.<sup>6</sup> RP 571, 573-74; Appendix B at 3-4 ¶ 5. The Superior Court declined to reopen *Sequeira III*. RP 574; Appendix B at 3-4 ¶ 5. In its Statement of Reasons, the Superior Court explained that, “[a] motion to extend discovery when no answer has been filed is improper. Movant has yet to file an affidavit of service and his telephone calls to the clerk do[] not suffice to protect his rights.” RP 574. The Superior Court summarized, “the motion is denied and this matter remains dismissed.”<sup>7</sup> RP 574; Appendix B at 3-4 ¶ 5.

**2. The Superior Court Denies Sequeira’s Motion for Reconsideration in *Sequeira III***

Sequeira then filed a motion for reconsideration with the Superior Court on June 11, 2015. RP 576; Appendix B at 4 ¶ 8. Sequeira’s motion asked the Superior Court to reexamine its denial of his motion for leave to file an amended complaint, and it requested that the Superior Court reinstate *Sequeira III* to the active trial list. RP 580; Appendix B at 4 ¶ 8.

The Superior Court denied Sequeira’s motion for reconsideration on July 10, 2015. RP 577-83; Appendix B at 4 ¶ 8. In its Statement of Reasons, the Superior Court explained that Sequeira had failed meet to the requirements necessary to grant a motion for reinstatement – he had failed to serve any of the parties, failed to demonstrate exceptional circumstances, and failed file affidavits of service. RP 583; Appendix B at 4 ¶ 8. The Superior Court reiterated that

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<sup>6</sup> Sequeira filed his request on March 24, 2015, but the Superior Court had failed to rule on it before dismissing *Sequeira III* on March 27, 2015.

<sup>7</sup> The Superior Court’s order misstated a date when it noted that the “[c]ase was dismissed for lack of prosecution on 3/27/14.” RP 574. Sequeira’s case was dismissed in 2015, not 2014. RP 569; Appendix B at 3-4 ¶ 5.



“[s]ince dismissal for lack of prosecution was appropriate, without a proper motion to reinstate, this case remains closed.” RP 583.

### 3. The Superior Court Denies Sequeira’s First Motion to Reinstate in *Sequeira III*

For the next 13 months, Sequeira took no action in *Sequeira III*. Appendix B at 4 ¶¶ 8-9; *see also Sequeira III* (Docket No. MON-L-003393-14), Statement of Reasons, Order Denying Sequeira’s First Motion to Reinstate at 4 ¶ 11 (Dated Sept. 30, 2016), attached as Appendix C. In August 2016, however, Sequeira attempted to perfect service of process on Wells Fargo and FINRA by serving the summons and complaint in *Sequeira III* on Wells Fargo and FINRA at their respective corporate offices. RP 593-604; Appendix B at 4 ¶ 9.

Sequeira then filed a motion to reinstate *Sequeira III* with the Superior Court on September 8, 2016. RP 606; Appendix C at 4 ¶ 8. Sequeira argued that that he had served the summons and complaint on Wells Fargo and FINRA and cured the defect that led to the Superior Court’s dismissal of *Sequeira III*. Appendix C at 4 ¶ 8. Sequeira also asserted that FINRA’s arbitration panel had disregarded the Superior Court’s “[r]uling,”<sup>8</sup> which constituted the exceptional circumstances necessary to reinstate *Sequeira III* to the active trial docket. Appendix C at 4 ¶ 8.

The Superior Court denied Sequeira’s motion to reinstate *Sequeira III* on September 30, 2016.<sup>9</sup> Appendix C at 1. The Superior Court’s Statement of Reasons explained that Sequeira had failed to demonstrate good cause or exceptional circumstances for his failure to prosecute *Sequeira III*, and he had neglected to explain the reasons for his delay in serving the summons

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<sup>8</sup> It is not clear which of the Superior Court’s many rulings Sequeira was referencing.

<sup>9</sup> On September 29, 2016, Sequeira stipulated to FINRA’s dismissal from *Sequeira III*. Appendix B at 4 ¶ 11.

and complaint. Appendix C at 4-5 ¶¶ 11-12. The Superior Court reiterated, “[s]ince [Sequeira] has failed to make a proper motion to reinstate, this case remains closed.” Appendix C at 5 ¶ 13.

**4. The Superior Court Denies Sequeira’s Second Motion to Reinstate in *Sequeira III***

On November 7, 2016, Sequeira filed a second motion to reinstate *Sequeira III* with the Superior Court. Appendix B at 4 ¶ 13. Sequeira’s motion reiterated many of his arguments made in his first motion to reinstate. Appendix B at 4 ¶ 13.

The Superior Court denied Sequeira’s second motion to reinstate on December 2, 2016. Appendix B at 5. In the Statement of Reasons, the Superior Court stated that Sequeira’s motion was, in fact, an untimely motion for reconsideration, that Sequeira’s “dissatisfaction with [the Superior] Court’s decision [was] not grounds for reconsideration,” and that Sequeira had failed to meet the burden necessary to grant his motion for reconsideration. Appendix B at 6 ¶ 17. The Superior Court explained:

[D]espite [Sequeira’s] attempt to cure any remaining service deficiencies, [Sequeira] has still failed to provide either good cause or exceptional circumstances for his failure to prosecute the action or explain the reasons for delay in serving the complaint, which is required for [the Superior] Court to reinstate [*Sequeira III*].

Appendix B at 6 ¶ 18. The Superior Court also made specific findings related to FINRA’s arbitration proceeding between Sequeira and Wells Fargo. The Superior Court stated:

[Sequeira’s] attempt to now reinstate *Sequeira III* out of fear that FINRA could suspend [Sequeira’s] securities license if he fails to satisfy the FINRA [A]rbitration [A]ward in favor of Wells Fargo . . . does not explain any delay in seeking to reinstate [*Sequeira III*]. [Sequeira] knowingly failed to bring a summary proceeding to vacate the [Arbitration] [A]ward within the requisite statute of limitations, thus precluding any showing of the requisite good cause or exceptional circumstances needed to reinstate [*Sequeira III*] . . . . Additionally, [Sequeira] claims the FINRA arbitration panel disregarded the [Superior] Court’s [r]uling by improperly denying leave for [Sequeira] to assert his contract-related counterclaims against Wells Fargo. However, in coming to a decision the arbitration panel did consider [Sequeira’s] contract claims, therefore leaving [Sequeira] with no basis to rely on the [arbitration] panel’s alleged failure to consider the claims in justifying his delay in proceeding with the case.

Appendix B at 6-7 ¶¶ 19-20. The Superior Court summarized that Sequeira had failed to make a proper motion to reinstate, his motion was denied, and “this case remains closed.” Appendix B at 7 ¶ 22.

**D. FINRA Issues Sequeira a Notice of Pending Suspension**

In July 2016, Wells Fargo’s counsel notified FINRA that Sequeira still had not paid the Arbitration Award. RP 505. In response, on July 29, 2016, FINRA served Sequeira with a suspension notice for his failure to pay the Arbitration Award. RP 531-33. FINRA’s notice advised Sequeira that his registration would be suspended on August 19, 2016, unless, before that date, he demonstrated that he met one of the “[FINRA] Rule 9554 enumerated defenses.” RP 531.

These defenses were that he: “(1) paid the award in full; (2) entered into a fully-executed, written settlement agreement with [Wells Fargo], and [his] obligations thereunder are current; (3) timely filed an action to vacate or modify any award and such motion has not been denied; or (4) filed for bankruptcy protection and the award has not been deemed by a [f]ederal court to be non-dischargeable (collectively, the ‘[FINRA] Rule 9554 enumerated defenses’).”<sup>10</sup> RP 531; *see also NASD Notice to Members 00-55*, 2000 NASD LEXIS 63, at \*5-6 (Aug. 2000).

The suspension notice also advised Sequeira that he could request a hearing to assert any of the FINRA Rule 9554 enumerated defenses, and, if he did so, it would stay the effective date of his suspension. RP 531. Sequeira timely filed a request for a hearing on August 16, 2016. RP 1-4.

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<sup>10</sup> Only one of the FINRA Rule 9554 enumerated defenses is at issue in this appeal, i.e., whether Sequeira “timely filed an action to vacate or modify the award and such motion had not been denied.” RP 2-4, 276, 616-18. Sequeira has not paid the Arbitration Award in full, entered into a settlement agreement with Wells Fargo, or filed for bankruptcy protection. RP 275-78.

**E. Sequeira's Hearing Before a FINRA Hearing Officer**

Sequeira's hearing before a FINRA hearing officer occurred on September 15, 2016. RP 363-428. Sequeira's hearing focused on whether he had timely filed an action to vacate the Arbitration Award, and whether that action has been denied. RP 276. In the "Pre-Hearing Order," the Hearing Officer summarized, "There are no material factual issues in dispute. The only issue to be resolved at the hearing is . . . [t]he legal question . . . [of] whether Sequeira can assert his September 4, 2014 motion to vacate or modify the [A]rbitration [A]ward, which the [Superior] [C]ourt dismissed without adjudication on the merits [on March 27, 2015], as a defense to the Suspension Notice."<sup>11</sup> RP 277.

After hearing all of the evidence, the Hearing Officer concluded that the Arbitration Award became final on March 27, 2015, when the Superior Court dismissed *Sequeira III*. RP 618. The Hearing Officer explained that, once the Superior Court dismissed *Sequeira III*, full payment of the Arbitration Award "was then immediately due under FINRA's rules."<sup>12</sup> RP 618. The Hearing Officer also noted that Sequeira "never contended that he lacks the ability to pay the award in full." RP 619; *see also* RP 2-4, 275-78.

For sanctions, the Hearing Officer suspended Sequeira from associating with any FINRA firm in any capacity. RP 618. The Hearing Officer noted that Sequeira's suspension would

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<sup>11</sup> The Hearing Officer cautioned that, "Sequeira is precluded from introducing evidence challenging the validity of the [A]rbitration [A]ward. Such evidence is irrelevant to a determination of whether [Sequeira] filed a timely motion to vacate [or] modify the award," and whether that award has been denied. RP 277.

<sup>12</sup> The Hearing Officer also examined a second defense, which Sequeira proffered only in his written submissions. RP 618. Sequeira argued that Wells Fargo was a necessary party to the expedited proceeding before the Hearing Officer. RP 618. The Hearing Officer rejected Sequeira's argument as "specious." RP 618. The Hearing Officer explained that it was Sequeira's burden to prove one of the FINRA Rule 9554 enumerated defenses, once FINRA had initiated an expedited proceeding against him. RP 618. The Hearing Officer stressed that, "[a]n arbitration claimant is not a necessary party to that determination." RP 618.

automatically convert to a bar within 30 days of the date of the decision if Sequeira failed to demonstrate compliance with one of the FINRA Rule 9554 enumerated defenses. RP 618. This appeal followed. RP 621-26.

**F. Sequeira’s Related Court Actions**

Sequeira’s employment disputes with Wells Fargo date back to 2008 and include the lawsuits that he filed prior to *Sequeira III*.

**1. *Sequeira I***

In January 2008, Sequeira filed a state civil lawsuit in the Superior Court against Wells Fargo’s predecessors and several of the corporations’ individual employees (“*Sequeira I*”).<sup>13</sup> Appendix B at 3 ¶ 1; *see also Sequeira*, 2016 N.J. Super. Unpub. LEXIS 400, at \*4. In *Sequeira I*, Sequeira alleged that Wells Fargo had subjected him to discrimination, retaliation, and a hostile work environment, in violation of New Jersey’s Law Against Discrimination. *See Sequeira*, 2016 N.J. Super. Unpub. LEXIS 400, at \*4.

In August 2010, on a motion for summary judgment, the Superior Court dismissed *Sequeira I* with prejudice. Appendix B at 3 ¶ 1. The Superior Court’s Appellate Division affirmed the dismissal in October 2014. Appendix B at 3 ¶ 1; *see also Sequeira v. Prudential Equity Group, LLC*, Docket No. A-0734-10T3, 2014 N.J. Super. Unpub. LEXIS 2425, at \*1 (N.J. Super. Ct. Law Div. Oct. 9, 2014). The Supreme Court of New Jersey denied Sequeira’s request for certification in July 2015. Appendix B at 3 ¶ 1; *see also Sequeira v. Prudential Equity Group, LLC*, 116 A.3d 1072 (N.J. July 6, 2015). The Case Disposition Detail for *Sequeira I* states that the case has been closed since August 26, 2010. Appendix D at 12-14.

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<sup>13</sup> The docket (“Case Document List”) and disposition summary by party (“Case Disposition Detail”) for *Sequeira I* (Docket No. MON-L-000179-08) is attached as Appendix D.

## 2. *Sequeira II*

In February 2012, Sequeira initiated a second state civil lawsuit (“*Sequeira II*”) in the Superior Court against essentially all the same defendants as in *Sequeira I*.<sup>14</sup> Appendix B at 3 ¶ 2. “The complaint [in *Sequeira II*] set forth facts, issues, allegations and claims that arose out of the same set of events and transactions that were raised and decided in *Sequeira I*.” *Sequeira*, 2016 N.J. Super. Unpub. LEXIS 400, at \*6 (decision of the Superior Court, Appellate Division, based on Sequeira’s appeal of *Sequeira II*).

The Superior Court dismissed *Sequeira II* with prejudice in March 2016. Appendix B at 3 ¶ 2; Appendix D at 8-12. The Appellate Division of the Superior Court affirmed the Superior Court’s dismissal, “except for a breach of contract claim that was to be decided in [FINRA’s then-]pending arbitration proceeding.” Appendix B at 3 ¶ 2; *see also Sequeira*, 2016 N.J. Super. Unpub. LEXIS 400, at \*11-13 (affirming the Superior Court’s denial of Sequeira’s motion to transfer FINRA’s arbitration proceeding to the Superior Court and holding that the Superior Court properly “found that the [P]romissory [N]ote contained an arbitration clause which clearly stated that ‘any controversy arising out of this [Promissory] [N]ote . . . shall be brought before the facility of . . . [FINRA] to the exclusion of all others.’”). The Case Disposition Detail for *Sequeira II* states that the case has been closed since March 10, 2016. Appendix E at 9-12.

## II. ARGUMENT

The relevant facts of this case are not subject to dispute. Sequeira has an unpaid Arbitration Award against him in favor of his former employer, Wells Fargo. To date, Sequeira

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<sup>14</sup> The docket (“Case Document List”) and disposition summary by party (“Case Disposition Detail”) for *Sequeira II* (Docket No. MON-L-000925-12) is attached as Appendix E.

has paid no portion of the Arbitration Award, and Sequeira has not established any of the FINRA Rule 9554 enumerated defenses to explain his nonpayment of the award.

Before the Commission, Sequeira proffers a host of unsubstantiated factual assertions and unsupported legal conclusions that only serve to distract from the simplicity of the matter at hand – Sequeira attempted to vacate the Arbitration Award, Sequeira lost, and the Arbitration Award stands. Based on these substantiated facts, it was wholly proper that the FINRA Hearing Officer suspended Sequeira, and that the Hearing Officer ordered that Sequeira’s suspension converts to a bar within 30 days, unless Sequeira pays the Arbitration Award in full or satisfies one of the FINRA Rule 9554 enumerated defenses to payment of the award.

The record establishes that FINRA based its decision on specific grounds that exist in fact, FINRA’s decision was in accordance with its rules, and FINRA applied its rules in a manner consistent with the purpose of the Securities Exchange Act of 1934 (“Exchange Act”). Accordingly, the Commission should uphold FINRA’s suspension of Sequeira and dismiss Sequeira’s application for review.

**A. The Standard of Review**

Section 19(f) of the Exchange Act governs the Commission’s review of a FINRA sanction imposed for the nonpayment of an arbitration award. *See Michael Albert DiPietro*, Exchange Act Release No. 77398, 2016 SEC LEXIS 1036, at \*6 (Mar. 17, 2016); *William J. Gallagher*, 56 S.E.C. 163, 166 & n.5 (2003) (reviewing under Section 19(f) of the Exchange Act an indefinite suspension, contingent on the satisfaction of certain requirements).

Under Section 19(f), the Commission must dismiss Sequeira’s appeal if it finds that: (1) the specific grounds on which FINRA based its action exist in fact; (2) FINRA’s determination was in accordance with its rules; and (3) those rules were applied in a manner consistent with the purposes of the Exchange Act; and (4) the action would not impose an undue burden on

competition.<sup>15</sup> 15 U.S.C. § 78s(f); *see also DiPietro*, 2016 SEC LEXIS 1036, at \*6. As explained below, FINRA’s action meets this standard and, accordingly, the Commission should dismiss Sequeira’s appeal.

**B. The Specific Grounds on Which FINRA Based Its Action Against Sequeira – that He Has Not Paid the Arbitration Award – Exist in Fact**

The evidence in the record establishes that the specific grounds on which FINRA based its suspension of Sequeira exist in fact. Sequeira was required to pay the Arbitration Award of \$78,462.56 within 30 days of receiving the award, which was September 4, 2014. RP 459-65, 467-69, 471-72; *see also* FINRA Rule 13904(j) (stating that, “monetary awards shall be paid within 30 days of receipt unless a motion to vacate has been filed with a court of competent jurisdiction.”).

There is no question that Sequeira received the Arbitration Award and was notified of his obligation to pay the Arbitration Award within 30 days. Sequeira attempted to vacate the Arbitration Award by filing *Sequeira III* in the Superior Court on September 4, 2014. Appendix B at 3 ¶ 3. In accordance with FINRA Rule 13904(j), Sequeira’s filing of *Sequeira III* stayed his obligation to pay the Arbitration Award. *See DiPietro*, 2016 SEC LEXIS 1036, at \*7. But Sequeira’s obligation became due immediately, on March 27, 2015, when the Superior Court dismissed *Sequeira III* and marked *Sequeira III* as closed. Appendix B at 3-4 ¶ 5; *see also DiPietro*, 2016 SEC LEXIS 1036, at \*7 (explaining that the applicant’s obligation to pay the arbitration award became due immediately once the district court denied his motion to vacate the award); *NASD Notice to Members 00-55*, 2000 NASD LEXIS 63, at \*6 n.5 (stating that, “[a]n

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<sup>15</sup> Sequeira does not claim, and the record does not support, that Sequeira’s suspension imposes an unnecessary or inappropriate burden on competition in light of the purposes of the Exchange Act.



award must be paid immediately when a court denies a motion to vacate or modify the award, absent a court order staying compliance with the award”).

The record also shows that Sequeira has not satisfied any of the other FINRA Rule 9554 enumerated defenses to the payment of the Arbitration Award. He has not paid the Arbitration Award in full, filed for bankruptcy protection, or entered into a settlement with Wells Fargo for the payment of the award. RP 2-4, 275-78, 616-18. The FINRA Hearing Officer therefore correctly determined that Sequeira had not satisfied the Arbitration Award, properly suspended him, and fittingly ordered the suspension to convert to a bar within 30 days unless Sequeira satisfies the award. RP 618-19.

**1. The Superior Court Dismissed *Sequeira III*, and the Case “Remains Closed”**

At every turn, Sequeira attempts to thwart the undisputed facts of this case. For example, Sequeira states that he “established a valid defense under [FINRA] Rule 9554 by timely filing [*Sequeira III*] . . . to vacate the [Arbitration] Award.” Br. at 6. While it is true that Sequeira sought to vacate the Arbitration Award,<sup>16</sup> the Superior Court dismissed *Sequeira III*, and *Sequeira III* has been closed since the Superior Court dismissed the case without prejudice in March 2015. RP 569, 587; Appendix B at 3-4 ¶ 5.

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<sup>16</sup> Sequeira criticizes FINRA’s characterization of *Sequeira III* as a motion to vacate. Br. at 6. Sequeira states, “*Sequeira III* . . . was not a ‘motion to vacate’ as has been repeatedly misrepresented by FINRA.” Br. at 6. Sequeira’s dispute of this point is puzzling. While FINRA acknowledges that *Sequeira III* was a state civil lawsuit, it was a lawsuit that included causes of action to vacate the Arbitration Award. Without the causes of action related to Sequeira’s attempt to vacate the Arbitration Award, Sequeira would not have satisfied any of the FINRA Rule 9554 enumerated defenses and FINRA could have suspended him in September 2014. In any event, Sequeira has not since paid the Arbitration Award or established any FINRA Rule 9554 enumerated defense.

In addition, Sequeira lost each of his attempts to reinitiate *Sequeira III*, and, with each loss, the Superior Court communicated the consequences of the dismissal. In April 2015, when the Superior Court declined to reopen *Sequeira III* and denied Sequeira's request to file an amended complaint, the Superior Court stated, "this matter *remains* dismissed." RP 574 (emphasis added); Appendix B at 3-4 ¶ 5. In July 2015, when the Superior Court denied Sequeira's motion for reconsideration of the court's earlier denial, the Superior Court stressed, "this case *remains* closed." RP 583 (emphasis added). In September 2016, when the Superior Court denied Sequeira's first motion to reinstate, after Sequeira served Wells Fargo and FINRA after a 13-month delay, the Superior Court asserted, "this case *remains* closed." Appendix C at 5 ¶ 13 (emphasis added). Finally, in December 2016, when the Superior Court denied Sequeira's ill-fated second motion to reinstate, the Superior Court reiterated, "this case *remains* closed." Appendix B at 7 ¶ 22 (emphasis added). The Commission should reject Sequeira's attempts to mischaracterize the uncontroverted facts of this case.

## **2. *Sequeira III* Is Not Pending**

The Commission also should reject Sequeira's attempt to dodge the consequences of *Sequeira III*'s dismissal. Before the Commission, as he did before the FINRA Hearing Officer, Sequeira suggests that *Sequeira III* is pending. He states, "[t]he dismissal [of *Sequeira III*] was without prejudice and without an adjudication on the merits . . . and that a subsequent complaint alleging the same cause of action will not be barred simply by reason of its prior dismissal." Br. at 18. Sequeira reasons that the Superior Court's failure to adjudicate *Sequeira III* on the merits suggests that the case is pending, and, inexplicably, has been continuously pending before the Superior Court since he filed the case in September 2014. Br. at 18.

Sequeira's argument defies logic and ignores the well-established facts of this case. The Superior Court dismissed *Sequeira III* on March 27, 2015, and, with the dismissal, the Superior

Court closed the case. RP 569, 587. The Hearing Officer's decision was based on the dismissal of *Sequeira III*, a fact that is well established. The Commission should reject Sequeira's baseless and unsubstantiated assertions.

**C. FINRA Sanctioned Sequeira in Accordance with Its Rules for His Failure to Satisfy the Arbitration Award**

Sequeira's mischaracterization of *Sequeira III* demonstrates his profound misunderstanding of the regulatory framework that governs FINRA's arbitration proceedings.

**1. FINRA's Regulatory Framework Provides for the Prompt Payment of Arbitration Awards**

FINRA's arbitration rules are "designed to provide a mechanism for the speedy resolution of disputes among members, their employees, and the public." *Herbert Garrett Frey*, 53 S.E.C. 146, 153 (1997). An essential element of FINRA's arbitration process is the requirement that arbitration awards be honored promptly. *See Gallagher*, 56 S.E.C. at 171 ("Honoring arbitration awards is essential to the functioning of the NASD arbitration system.").

FINRA Rule 13904(j) solidifies this principle and requires that, "[a]ll monetary awards shall be paid within 30 days of receipt unless a motion to vacate has been filed with a court of competent jurisdiction." When a court denies a motion to vacate or modify an award, however, "[a]n award must be paid immediately . . . absent a court order staying compliance with the award." *NASD Notice to Members 00-55*, 2000 NASD LEXIS 63, at \*6 n.5.

FINRA Interpretative Material ("IM") 13000 reinforces how the prompt payment of arbitration awards is an essential element of FINRA's arbitration system. FINRA IM-13000, for example, provides that "[a]ll awards shall be honored by a cash payment to the prevailing party of the exact dollar amount stated in the award . . . upon receipt [of the award]." FINRA IM-13000(d) highlights that failing to comply promptly with an arbitration award may be deemed

conduct inconsistent with just and equitable principles of trade and a violation of FINRA's ethical standards rule, which is FINRA Rule 2010.

Article VI, Section 3(b) of FINRA's By-Laws sets out suspension procedures for FINRA firms and associated persons that fail "to comply with an award of arbitrators properly rendered pursuant to the Corporation's Rules, where a timely motion to vacate or modify such award has not been made pursuant to applicable law or where such a motion has been denied . . . ." FINRA Rule 9554 implements Article VI, Section 3(b) of FINRA's By-Laws and authorizes FINRA to initiate expedited suspension proceedings against members, associated persons, and formerly associated persons who have failed to timely pay arbitration awards.

FINRA's regulatory framework permits an associated person, such as Sequeira, who is subject to an arbitration award to withhold payment while the motion to vacate is pending before a court. But as NASD Notice to Members 00-55 advises, once the court denies the motion to vacate, or, in Sequeira's case, dismisses the complaint containing the counts related to vacating the Arbitration Award, the "grace period" ends, and the "award must be paid *immediately*." *NASD Notice to Members 00-55*, 2000 NASD LEXIS 63, at \*6 n.5 (emphasis added). To hold otherwise would undermine the efficiency of FINRA's dispute resolution system. *Cf. James M. Bowen*, 51 S.E.C. 1152, 1153 (1994) (explaining that the purpose of the arbitration system is "to provide speedy resolution of disputes among members, their employees, and the public."). The Commission should reject Sequeira's ill-advised attempts to obstruct the efficient regulatory framework governing FINRA's arbitration proceedings.

## **2. FINRA Complied with Its Rules Related to Expedited Suspension Proceedings**

FINRA's regulatory framework for arbitration proceedings prioritizes efficiency. But that framework also places primary importance on the fairness that the Exchange Act requires.

The record establishes that FINRA suspended Sequeira in accordance with the rules governing the nonpayment of arbitration awards.

FINRA's suspension of Sequeira comported with the procedures of Article VI, Section 3(b) of FINRA's By-Laws, and its implementing rule, FINRA Rule 9554. *See DiPietro*, 2016 SEC LEXIS 1036, at \*8. Article VI, Section 3(b) of FINRA's By-Laws required that FINRA provide Sequeira with "15 days' notice in writing" that FINRA may suspend him for failing to comply with the Arbitration Award "where a timely motion to vacate or modify such award has not been made . . . ." FINRA Rule 9554 authorized FINRA to initiate these expedited suspension proceedings by issuing a suspension notice that specifies the grounds for, and the effective date of, the suspension, that states what the respondent must do to avoid such action, and that advises the respondent of his right to file a written request for a hearing.<sup>17</sup> *See id.* at \*8-9.

It is undisputed that FINRA's suspension notice to Sequeira satisfied the requirements of Article VI, Section 3(b) of FINRA's By-Laws and FINRA Rule 9554. *See DiPietro*, 2016 SEC LEXIS 1036, at \*9. In addition, once Sequeira requested a hearing, FINRA complied with the hearing procedures set forth in FINRA Rule 9559. FINRA provided Sequeira with a fair expedited proceeding, afforded Sequeira the opportunity to be heard, and suspended Sequeira in

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<sup>17</sup> FINRA's action also was consistent with NASD Notice to Members 00-55, the guidance that FINRA has promulgated in this area. *See DiPietro*, 2016 SEC LEXIS 1036, at \*10. NASD Notice to Members 00-55 explains that arbitration awards are payable within 30 days of receipt of the award, lists the "bases for nonpayment," and explains that a respondent may be suspended for failing to pay an arbitration award. *NASD Notice to Members 00-55*, 2000 NASD LEXIS 63, at \*5 (explaining that, "if arbitration awards are not complied with in a timely manner, NASD . . . institutes suspension proceedings against the member firm or associated person as provided in the NASD By-Laws and [rules], unless the member or associated person establishes one of the . . . bases for nonpayment").

accordance with its rules for his failure to satisfy the Arbitration Award. Nothing in the record suggests that FINRA deviated from its procedural safeguards in this case.

**3. Sequeira's Criticism of the FINRA Hearing Officer's Decision Has No Merit**

Sequeira does not suggest that FINRA did not follow the rules and procedures related to expedited suspension proceedings. Rather, Sequeira offers two critiques of the FINRA Hearing Officer's decision. Each is without merit.

First, Sequeira states that the Hearing Officer did not resolve the issue of whether "[c]ount [s]ix of the [c]omplaint in *Sequeira III* had been 'denied.'" Br. at 27. Count six of *Sequeira III* alleged that: (1) the Arbitration Award was procured by fraud; (2) the arbitration panel was partial; (3) the arbitration panel refused to postpone the hearing; (4) the arbitration panel refused to hear material evidence; and (5) Sequeira was prejudiced by the arbitration panel. RP 501. Sequeira stated that these factors favored that the Arbitration Award should be vacated. RP 501.

The Hearing Officer properly understood, however, that his review was limited to the applicability of the FINRA Rule 9554 enumerated defenses, and he correctly ordered that, "Sequeira is precluded from introducing evidence challenging the validity of the [A]rbitration [A]ward. Such evidence is irrelevant to a determination of whether [Sequeira] filed a timely motion to vacate [or] modify the award," and whether that motion has been denied. RP 277. The Hearing Officer therefore correctly limited his review to a determination of whether the Superior Court had denied Sequeira's motion to vacate, and, accordingly, whether the Arbitration Award was immediately due. *Cf. NASD Notice to Members 00-55*, 2000 NASD LEXIS 63, at \*6 n.5.

Second, Sequeira states that the Hearing Officer improperly ignored *Sequeira II*. Br. at 13. Sequeira states, "[i]t is clear . . . *Sequeira III*/Appeal II and *Sequeira III* were not

‘procedurally independent of one another’ as FINRA would have it.” Br. at 13. Sequeira adds, “it is abundantly clear that the aforesaid actions were legally and procedurally intertwined; specifically, a favorable decision in Appeal II (which appeal was taken from *Sequeira II*) would render moot the [Arbitration] Award and [c]ount [s]ix of the [c]omplaint in *Sequeira III*.” Br. at 13. Sequeira’s argument misses the point.

Although it is true that the Hearing Officer determined that *Sequeira I* and *Sequeira II* were irrelevant to the expedited suspension proceeding, the Hearing Officer’s determination was entirely proper. Neither *Sequeira I* nor *Sequeira II* was relevant to the only legal issue in the proceeding – whether Sequeira filed a “timely motion to vacate . . . [the Arbitration] [A]ward . . . [and whether] such a motion has been denied.”<sup>18</sup> *NASD Notice to Members 00-55*, 2000 NASD LEXIS 63, at \*4-5.

On appeal, Sequeira’s primary criticism of FINRA’s decision (indeed, his criticism of all the litigation that he has spawned) is that it was adverse to him. But Sequeira must point to more than FINRA’s adverse decision to support his claims. *Cf. United States v. Azhocar*, 581 F.2d 735, 739 (9th Cir. 1978) (explaining that adverse rulings, standing alone, do not constitute bias or prejudice). The evidence demonstrates that the Hearing Officer formulated his decision based on the record, and, based on that evidence, he determined that Sequeira’s failure to pay the

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<sup>18</sup> Sequeira also suggests that FINRA “sought to suppress relevant information” when it filed the certified record. Br. at 4. Specifically, Sequeira states, “FINRA misrepresented to the [Commission] that the [c]omplaint [in *Sequeira III*] only comprised the document certified at [RP] 475 *et seq.*, that is, the [c]omplaint excluding it[s] [e]xhibits.” Br. at 4 n.8. But “[i]t was [Sequeira’s] obligation to marshal all the evidence in his defense.” *Russo Securities, Inc.*, 55 S.E.C. 58, 79 (2001). The evidentiary burden was Sequeira’s, not FINRA’s, and Sequeira failed to carry his significant burden in this case. Moreover, if Sequeira wanted to proffer these documents, he could have done so by filing a motion with the Commission. 17 C.F.R. § 201.452 (explaining that a party may seek to introduce additional evidence if the evidence is material, and there were reasonable grounds for failing to adduce the evidence previously). Sequeira has filed no such motion.

Arbitration Award should result in a suspension that converts to a bar within 30 days unless Sequeira satisfies the Arbitration Award. Sequeira's criticism of the Hearing Officer's decision has no merit, and, consequently, the Commission should dismiss Sequeira's application for review.

**4. The FINRA Hearing Officer Properly Ordered that Sequeira's Suspension Converts to a Bar Within 30 Days Unless He Satisfies the Arbitration Award**

The FINRA Hearing Officer also properly determined that Sequeira's suspension should convert to a bar within 30 days unless he pays the Arbitration Award in full or satisfies one of the FINRA Rule 9554 enumerated defenses. RP 618-19. The Hearing Officer's exercise of discretion, and the resulting sanctions, are in accordance with FINRA's rules.

FINRA Rule 9559(n) states that, in an expedited suspension proceeding such as this one, a Hearing Officer "may approve, modify or withdraw any and all sanctions, requirements, restrictions or limitations imposed by the notice[,] . . . impose any other fitting sanction[,] . . . [and] impose costs." FINRA Rule 9559(n)(1), (4). In this instance, the Hearing Officer examined the "unethical dilatory conduct that [Sequeira] used to justify his refusal to pay the [Arbitration Award]," and the Hearing Officer determined that Sequeira's suspension should convert to a bar within 30 days unless he satisfies the Arbitration Award. RP 619 n.28.

Sequeira waited until after FINRA sent him the suspension notice before he served the dismissed complaint in *Sequeira III* on Wells Fargo and FINRA. RP 593-604; Appendix B at 4 ¶ 9. Sequeira offered no reason for his delay. RP 617. Nor did he present any evidence to show why he failed to serve the complaint within the Superior Court's time parameters. RP 617. The Hearing Officer concluded that, "Sequeira's argument that he could not perfect service of [*Sequeira III*] because *Sequeira I* and [*Sequeira II*] were on appeal is frivolous."



Expedited suspension proceedings under FINRA Rule 9554 involve straightforward issues and limited defenses. *Cf. NASD Notice to Members 00-55*, 2000 NASD LEXIS 63, at \*4-6. The streamlined procedures and specified, shortened timeframe under the rules support the swift resolution of these matters. *See Notice of Filing of Proposed Rule Change*, Exchange Act Release No. 48887, 2003 SEC LEXIS 2919, at \*16 (Dec. 5, 2003), *adopted by Order Approving Proposed Rule Change*, Exchange Act Release No. 49380, 2004 SEC LEXIS 552 (Mar. 2004). Sequeira stayed his suspension by requesting a hearing before a FINRA Hearing Officer. RP 531. The Hearing Officer fully considered Sequeira's defenses to his failure to pay the Arbitration Award. RP 611-19. Further delays are unwarranted. The Commission should affirm FINRA's sanctions and dismiss Sequeira's application for review.

**D. FINRA Applied Its Rules in a Manner Consistent with the Exchange Act**

The Commission also should dismiss Sequeira's application for review because FINRA applied its rules in a manner consistent with the purposes of the Exchange Act. FINRA's arbitration process provides a fair and efficient mechanism for the resolution of disputes. *See Richard R. Pendleton*, 53 S.E.C. 675, 679 (1998) ("[w]e have repeatedly stated that the NASD arbitration system provides a speedy mechanism for settling disputes, which the NASD may foster by taking prompt action against those who fail . . . to honor arbitration awards"). The arbitration process is a necessary and valuable program for the securities industry, and the integrity of the process must be maintained to foster the public interest in the resolution of disputes via arbitration. *See Gallagher*, 56 S.E.C. at 171.

For FINRA's arbitration system to function properly, however, arbitration awards must be honored promptly, and FINRA's firms and associated persons must abide by the arbitration awards entered against them. *See DiPietro*, 2016 SEC LEXIS 1036, at \*23. To be sure, the credibility of FINRA's arbitration program would be greatly diminished if associated persons

were able repeatedly to delay paying valid arbitration awards by pursuing meritless appeals. *See id.* (“Requiring members or associated persons to abide by arbitration awards enhances the effectiveness of the arbitration process.”).

Here, Sequeira has harmed the prevailing arbitration claimant by causing Wells Fargo to wait nearly three years for satisfaction of the Arbitration Award. *See, e.g., Gallagher*, 56 S.E.C. at 171. The suspension of Sequeira’s association with FINRA firms, which converted to a bar within 30 days, incentivizes Sequeira to pay the Arbitration Award and furthers two central purposes of the Exchange Act – serving the public interest and the protection of investors. *See, e.g., id.* (“Inducing [the applicant] to pay the award through suspension of his NASD membership furthers the public interest and the protection of investors.”). The record supports that FINRA applied its rules in a manner consistent with the Exchange Act, and that Sequeira’s application for review should be dismissed.

**E. The Commission Should Reject Sequeira’s Collateral Attacks on *Sequeira III* and the Arbitration Award**

Much of Sequeira’s application for review is based on his disagreement with the Arbitration Award and the Superior Court’s dismissal of *Sequeira III*. Br. at 2-4 (arguing that FINRA lacked jurisdiction to issue the Arbitration Award), 5-8 (arguing that FINRA exhibited bias in favor of Wells Fargo while refusing to consider Sequeira’s claims), 10-15 (arguing that the Superior Court erred by dismissing *Sequeira III* and refusing to admit its errors of fact and law), 25-27 (arguing that the Superior Court should have viewed “Motion IV” with “great liberality”). Sequeira’s efforts to collaterally attack the Arbitration Award are ill-fated.

“An arbitration award cannot be collaterally attacked by a respondent in an FINRA expedited proceeding, and in the face of a confirmed award, such arguments do not furnish a basis to avoid payment.” *DiPietro*, 2016 SEC LEXIS 1036, at \*13; *Robert Tretiak*, 56 S.E.C. 209, 221 (2003) (“As we have stated on numerous occasions, an applicant may not collaterally

attack an arbitration award . . . in a disciplinary proceeding for failure to pay that award.”); *Pendleton*, 53 S.E.C. at 678 (explaining that collateral attacks on arbitration awards have been “consistently rejected”); *Eric M. Diehm*, 51 S.E.C. 938, 941 (1994) (same); *Peter Thomas Higgins*, 51 S.E.C. 865, 868 (1993) (stating that a challenge of the merits of the arbitration decision “cannot be considered”).

To be sure, permitting a party to collaterally attack an arbitration award would subvert the important public policy in favor of arbitration. *See Stix & Co.*, 46 S.E.C. 578, 580 (1976) (allowing collateral attacks would “subvert the salutary objective” of arbitration); *see also Tretiak*, 56 S.E.C. at 221 (stating that allowing collateral attacks would “subvert [FINRA’s] procedures, which are designed to promote prompt payment of arbitration awards”); *Pendleton*, 53 S.E.C. at 678 (allowing collateral attacks would be “inconsistent with the Exchange Act policy in favor of finality and prompt payment of [FINRA] arbitration awards). Consistent with its precedent, the Commission should reject Sequeira’s attempts to collaterally attack the Arbitration Award, the arbitration panel, or the Superior Court.

**F. The Commission Should Reject Sequeira’s Unsubstantiated Claims Concerning His Inability to Pay the Arbitration Award**

Without any substantiating documentation, Sequeira states for the first time in these proceedings, “[a]pplicant’s licenses have been suspended by FINRA. His livelihood has been terminated. He has not found another job. FINRA’s assertion that the “[a]pplicant has ‘the ability to pay the award in full’ is inaccurate.” Br. at 30-31. The Commission should reject Sequeira’s last-minute claims concerning his inability to pay the Arbitration Award.

As an initial matter, the FINRA Hearing Officer specifically stated that Sequeira “never contended that he lacks the ability to pay the award in full,” and, by failing to raise this argument before the Hearing Officer, Sequeira has waived it. RP 619; *see also Kent M. Houston*, Exchange Act Release No. 71589, 2014 SEC LEXIS 614, at \*37-39 (Feb. 20, 2014); *Brooklyn*

*Capital*, 52 S.E.C. 1286, 1294 n.34 (1997) (holding that the Commission is not required to consider an argument raised for the first time on appeal). The Commission should rule that Sequeira waived this argument.

Second, Sequeira's waiver notwithstanding, it is well settled that a respondent bears the burden of demonstrating an inability to pay, and that Sequeira has failed to meet his burden because he did not provide any supporting evidence for this contention. *See, e.g., Castle Sec. Corp.*, 58 S.E.C. 826, 837 (2005) (finding that the applicant did not meet its "burden of demonstrating an inability to pay" because the applicant did not introduce documentation concerning the deterioration in its financial situation).

Finally, Sequeira fails to demonstrate that his financial hardship has resulted from a "subsequent change in circumstances." *Houston*, 2014 SEC LEXIS 614, at \*38 n.67 (quoting FINRA's Sanction Guidelines and stating, "If a respondent does not raise the issue of inability to pay during the initial consideration of a matter before 'trial-level' Adjudicators, Adjudicators considering the matter on appeal generally will presume the issue of inability to pay to have been waived (unless the inability to pay is alleged to have resulted from a subsequent change in circumstances)."). The Commission should reject Sequeira's unsubstantiated statements concerning his inability to pay the Arbitration Award.<sup>19</sup>

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<sup>19</sup> Sequeira's claims of how he has collaterally suffered as a result of the expedited suspension proceeding (e.g., that he lost money, the amount of time he was out of the industry, or the impact the disciplinary proceeding had on his reputation, career, or finances) are also not relevant to the Commission's review. Br. 30-31; *Cf. Ashton Noshir Gowadia*, 53 S.E.C. 786, 793 (1998) (stating that, "economic harm alone is not enough to make the sanctions imposed upon him by the NASD excessive or oppressive," and finding that the applicant did not substantiate his claim of damage, the extent of damage, if any, or his attempt to find employment).

### III. CONCLUSION

Sequeira failed to pay the Arbitration Award and failed to demonstrate any of the FINRA Rule 9554 enumerated defenses that would relieve him of his obligation to pay the award. Sequeira's collateral attacks of the Arbitration Award, arbitration panel, and the Superior Court's decision to dismiss *Sequeira III* are without merit. The record establishes that the specific grounds for FINRA's decision to suspend Sequeira exist in fact, Sequeira's suspension was in accordance with FINRA's rules, and FINRA's rules are consistent with the purposes of the Exchange Act. Accordingly, the Commission should affirm FINRA's action and dismiss Sequeira's application for review.

Respectfully Submitted,



\_\_\_\_\_  
Jante C. Turner  
Associate General Counsel  
FINRA – Office of General Counsel  
1735 K Street, NW  
Washington, DC 20006  
202-728-8317 – Telephone  
202-728-8264 – Facsimile  
jante.turner@finra.org – Electronic Mail

March 13, 2017

**CERTIFICATE OF SERVICE**

I, Jante C. Turner, certify that on March 13, 2017, I caused a copy of FINRA's Brief in Opposition to the Application for Review, Administrative Proceeding File No. 3-17734, to be served via messenger on:

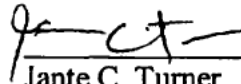
Brent J. Fields, Secretary  
Securities and Exchange Commission  
100 F Street, NE, Room 10915  
Washington, DC 20549-1090

and via Federal Express Overnight Delivery and Electronic Mail on:

Keith Patrick Sequeira  
[REDACTED]  
Middletown, NJ [REDACTED]  
[REDACTED] - Telephone  
[REDACTED] - Electronic Mail

Different methods of service were used because courier service could not be provided to the applicant's counsel.

Respectfully Submitted,



Jante C. Turner  
Associate General Counsel  
FINRA – Office of General Counsel  
1735 K Street, NW  
Washington, DC 20006  
202-728-8317 – Telephone  
202-728-8264 – Facsimile  
jante.turner@finra.org – Electronic Mail

# **APPENDIX A**

CRD® or IARD(TM) System      Current As Of: 03/12/2017

Snapshot - Individual

CRD® or IARD(TM) System Report provided to: MEMBERREG

Request Submitted: 3/13/2017 3:28:38 PM

Page 1 of 25

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## Notice

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**Reportable Information:** Information that is required to be reported on the current version of the uniform registration forms.

**Non-Reportable Information:** Information that is not currently reportable on a uniform registration form. Information typically is not reportable because it is out-of-date; it was reported in error; or some change occurred either in the disposition of the underlying event after it was reported or in the question on the form that elicited the information. Although not currently reportable, this information was once reported on a uniform form and, consequently, may have become a state record. Users of this information should recognize that filers have no obligation to update non-reportable data; accordingly, it may not reflect changes that have occurred since it was reported.



**Details for Request#:** 18616882  
**Report:** Snapshot - Individual  
**Requested By:** MAC

<u>Parameter Name</u>	<u>Value</u>
Request by CRD# or SSN:	CRD#
Individual CRD# or SSN	3127528
Include Personal Information?	Yes
Include All Registrations with Employments:	Both Current and Previous Employments
Include All Registrations for Current and/or Previous Employments with:	All Regulators
Include Professional Designations?	Yes
Include Employment History?	Yes
Include Other Business?	Yes
Include Exam Information?	Yes
Include Continuing Education Information? (CRD Only)	Yes
Include Filing History? (CRD Only)	Yes
Include Current Reportable Disclosure Information?	Yes
Include Regulator Archive and Z Record Information? (CRD Only)	Yes

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Individual 3127528 - SEQUEIRA, KEITH PATRICK

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Administrative Information

Composite Information

Full Legal Name                      SEQUEIRA, KEITH PATRICK  
State of Residence                    NJ  
Active Employments                  <<No Current Active Employments found for this Individual.>>  
Reportable Disclosures?            Yes  
Statutory Disqualification?        SDRQRSRW  
Registered With Multiple Firms?    No  
Material Difference in Disclosure? No

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Personal Information

Individual CRD#                      3127528  
Other Names Known By               <<No Other Names found for this Individual.>>  
Year of Birth                        ██████████

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Registrations with Current Employer(s)

<<No Registrations with Current Employer(s) found for this Individual.>>

Registrations with Previous Employer(s)

From 08/24/2010 To 11/18/2016 ROYAL ALLIANCE ASSOCIATES, INC.(23131)

Reason for Termination      Voluntary

Termination Comment

Regulator	Registration Category	Status Date	Registration Status	Approval Date
AK	AG	11/28/2016	TERMED	08/24/2010
AR	AG	09/10/2010	T_NOREG	
AZ	AG	11/28/2016	TERMED	08/24/2010
CA	AG	11/28/2016	TERMED	08/24/2010
CA	RA	11/28/2016	TERMED	01/10/2012
CO	AG	12/31/2011	TERMED	08/24/2010
CT	AG	11/28/2016	TERMED	08/24/2010
DC	AG	11/28/2016	TERMED	08/24/2010
FINRA	GS	11/28/2016	TERMED	08/24/2010
FL	AG	11/28/2016	TERMED	08/24/2010
FL	RA	11/28/2016	TERMED	01/10/2012
GA	AG	11/28/2016	TERMED	08/24/2010
GA	RA	11/28/2016	TERMED	02/13/2012
HI	AG	12/31/2014	TERMED	08/30/2010
HI	RA	12/31/2014	TERMED	03/27/2012
HI	RA	01/18/2012	T_NOREG	
KS	AG	11/28/2016	TERMED	08/24/2010
KY	AG	12/31/2011	TERMED	09/07/2010
ME	AG	11/28/2016	TERMED	08/24/2010
ME	RA	11/28/2016	TERMED	01/10/2012

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**Individual 3127528 - SEQUEIRA, KEITH PATRICK**

**Administrative Information**

**Registrations with Previous Employer(s)**

Regulator	Registration Category	Status Date	Registration Status	Approval Date
MI	AG	12/31/2014	TERMED	08/24/2010
MN	AG	12/31/2011	TERMED	11/08/2010
MO	AG	12/31/2014	TERMED	08/24/2010
MT	AG	12/31/2011	TERMED	11/08/2010
NC	AG	11/28/2016	TERMED	08/24/2010
NC	RA	11/28/2016	TERMED	06/05/2013
NJ	AG	11/28/2016	TERMED	08/24/2010
NJ	RA	11/28/2016	TERMED	08/31/2010
NV	AG	11/28/2016	TERMED	08/24/2010
NY	AG	11/28/2016	TERMED	08/24/2010
OR	AG	12/31/2011	TERMED	11/08/2010
PA	AG	12/31/2014	TERMED	08/24/2010
RI	AG	11/28/2016	TERMED	08/24/2010
TX	AG	11/28/2016	TERMED	08/24/2010
TX	RA	11/28/2016	TERMED	01/20/2012
VA	AG	11/28/2016	TERMED	08/24/2010
VT	AG	12/31/2011	TERMED	11/08/2010
WA	AG	11/28/2016	TERMED	08/24/2010
WA	RA	11/28/2016	TERMED	01/10/2012
WV	AG	12/31/2011	TERMED	08/24/2010
WY	AG	12/31/2011	TERMED	11/08/2010

From 07/01/2003 To 08/10/2010 WELLS FARGO ADVISORS, LLC(19616)

**Reason for Termination** Discharged

**Termination Comment** DISCHARGE DUE TO WORKPLACE DEPARTMENT, INCONSISTENT WITH COMPANY POLICY; NOT COMPLIANCE/CUSTOMER RELATED

Regulator	Registration Category	Status Date	Registration Status	Approval Date
AK	AG	09/02/2010	TERMED	07/01/2003
AL	AG	12/31/2006	TERMED	07/01/2003
AZ	AG	09/02/2010	TERMED	07/01/2003
CA	AG	09/02/2010	TERMED	07/01/2003
CBOE	GS	03/06/2008	TERMED	07/01/2003
CO	AG	09/02/2010	TERMED	07/01/2003
CT	AG	09/02/2010	TERMED	07/01/2003
DC	AG	09/02/2010	TERMED	07/01/2003
DE	AG	12/31/2005	TERMED	01/08/2004
FINRA	GS	09/02/2010	TERMED	07/01/2003
FL	AG	09/02/2010	TERMED	07/01/2003
GA	AG	09/02/2010	TERMED	07/01/2003
HI	AG	09/02/2010	TERMED	07/01/2003
IA	AG	12/31/2005	TERMED	07/01/2003
ID	AG	12/31/2004	TERMED	07/01/2003
IL	AG	12/31/2007	TERMED	07/01/2003
IN	AG	12/31/2004	TERMED	07/01/2003

Individual      3127528 - SEQUEIRA, KEITH PATRICK

**Administrative Information**

**Registrations with Previous Employer(s)**

Regulator	Registration Category	Status Date	Registration Status	Approval Date
KS	AG	09/02/2010	TERMED	05/20/2005
KS	AG	12/31/2004	TERMED	07/01/2003
MA	AG	12/31/2007	TERMED	07/01/2003
MD	AG	12/31/2006	TERMED	07/01/2003
ME	AG	09/02/2010	TERMED	07/01/2003
MI	AG	09/02/2010	TERMED	07/01/2003
MO	AG	09/02/2010	TERMED	10/07/2003
MT	AG	12/31/2005	TERMED	10/31/2003
NC	AG	09/02/2010	TERMED	07/01/2003
NE	AG	12/31/2006	TERMED	06/02/2004
NH	AG	12/31/2005	TERMED	07/01/2003
NJ	AG	09/02/2010	TERMED	07/01/2003
NJ	RA	09/02/2010	TERMED	07/01/2003
NM	AG	12/31/2006	TERMED	05/11/2005
NM	AG	12/31/2004	TERMED	07/01/2003
NQX	GS	09/02/2010	TERMED	07/12/2006
NV	AG	09/02/2010	TERMED	07/01/2003
NY	AG	09/02/2010	TERMED	07/01/2003
NYSE	GS	09/02/2010	TERMED	07/01/2003
NYSE-MKT	GS	12/13/2007	TERMED	07/01/2003
OH	AG	12/31/2007	TERMED	07/01/2003
OK	AG	12/31/2006	TERMED	12/07/2005
OK	AG	12/31/2004	TERMED	07/01/2003
OR	AG	12/31/2006	TERMED	07/01/2003
PA	AG	09/02/2010	TERMED	07/01/2003
RI	AG	09/02/2010	TERMED	07/01/2003
SC	AG	12/31/2005	TERMED	07/01/2003
TN	AG	05/27/2009	TERMED	07/01/2003
TX	AG	09/02/2010	TERMED	07/01/2003
TX	RA	09/02/2010	TERMED	07/01/2003
VA	AG	09/02/2010	TERMED	07/01/2003
VT	AG	12/31/2005	TERMED	07/01/2003
WA	AG	09/02/2010	TERMED	07/01/2003
WI	AG	12/31/2009	TERMED	05/17/2005
WV	AG	09/02/2010	TERMED	07/01/2003
WY	AG	12/31/2004	TERMED	07/01/2003

From 09/14/1998 To 07/01/2003 PRUDENTIAL SECURITIES INCORPORATED(7471)

Reason for Termination      Voluntary

Termination Comment      MASS TRANSFER = 161538

Regulator	Registration Category	Status Date	Registration Status	Approval Date
AK	AG	07/01/2003	MASS_TRNSF	11/18/2002
AL	AG	07/01/2003	MASS_TRNSF	11/19/2002
ARCA	GS	07/01/2003	T_NOMT	12/17/1998

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**Individual 3127528 - SEQUEIRA, KEITH PATRICK**


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**Administrative Information****Registrations with Previous Employer(s)**

<b>Regulator</b>	<b>Registration Category</b>	<b>Status Date</b>	<b>Registration Status</b>	<b>Approval Date</b>
AZ	AG	07/01/2003	MASS_TRNSF	08/14/2001
CA	AG	07/01/2003	MASS_TRNSF	02/23/1999
CBOE	GS	07/01/2003	MASS_TRNSF	12/17/1998
CO	AG	07/01/2003	MASS_TRNSF	02/23/1999
CT	AG	07/01/2003	MASS_TRNSF	03/11/1999
DC	AG	07/01/2003	MASS_TRNSF	02/26/1999
FINRA	GS	07/01/2003	MASS_TRNSF	12/17/1998
FL	AG	07/01/2003	MASS_TRNSF	02/25/1999
GA	AG	07/01/2003	MASS_TRNSF	02/23/1999
HI	AG	07/01/2003	MASS_TRNSF	01/21/2003
IA	AG	07/01/2003	MASS_TRNSF	10/31/2002
ID	AG	07/01/2003	MASS_TRNSF	04/01/2003
IL	AG	07/01/2003	MASS_TRNSF	02/23/1999
IN	AG	07/01/2003	MASS_TRNSF	10/31/2002
KS	AG	07/01/2003	MASS_TRNSF	03/28/2003
MA	AG	07/01/2003	MASS_TRNSF	08/16/2000
MD	AG	07/01/2003	MASS_TRNSF	06/20/2000
ME	AG	07/01/2003	MASS_TRNSF	04/18/2000
MI	AG	07/01/2003	MASS_TRNSF	05/05/1999
NC	AG	07/01/2003	MASS_TRNSF	08/17/2000
NH	AG	07/01/2003	MASS_TRNSF	01/25/2001
NJ	AG	07/01/2003	MASS_TRNSF	12/22/1998
NJ	RA	07/01/2003	MASS_TRNSF	06/05/2002
NM	AG	07/01/2003	MASS_TRNSF	11/22/2000
NV	AG	07/01/2003	MASS_TRNSF	08/22/2000
NY	AG	07/01/2003	MASS_TRNSF	02/23/1999
NYSE	GS	07/01/2003	MASS_TRNSF	01/11/1999
NYSE-MKT	GS	07/01/2003	MASS_TRNSF	01/11/1999
OH	AG	07/01/2003	MASS_TRNSF	11/04/2002
OK	AG	07/01/2003	MASS_TRNSF	10/31/2002
OR	AG	07/01/2003	MASS_TRNSF	12/06/2000
PA	AG	07/01/2003	MASS_TRNSF	03/18/1999
PHLX	GS	06/27/2003	TERMED	12/17/1998
RI	AG	07/01/2003	MASS_TRNSF	03/31/2003
SC	AG	07/01/2003	MASS_TRNSF	08/21/2000
TN	AG	07/01/2003	MASS_TRNSF	08/18/2000
TX	AG	07/01/2003	MASS_TRNSF	02/24/1999
TX	RA	07/01/2003	MASS_TRNSF	02/24/1999
VA	AG	07/01/2003	MASS_TRNSF	08/17/2000
VT	AG	07/01/2003	MASS_TRNSF	02/08/2001
WA	AG	07/01/2003	MASS_TRNSF	03/07/2001
WV	AG	07/01/2003	MASS_TRNSF	02/24/2003
WY	AG	07/01/2003	MASS_TRNSF	10/11/2001

CRD® or IARD(TM) System Current As Of: 03/12/2017

Snapshot - Individual

CRD® or IARD(TM) System Report provided to: MEMBERREG

Request Submitted: 3/13/2017 3:28:38 PM

Page 7 of 25

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Individual 3127528 - SEQUEIRA, KEITH PATRICK

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Administrative Information

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Individual 3127528 - SEQUEIRA, KEITH PATRICK

**Administrative Information**

**Professional Designations**

<<No Professional Designations found for this Individual.>>

**Employment History**

From	08/2010	To	Present	<b>Name</b>	ROYAL ALLIANCE ASSOCIATES
				<b>Location</b>	LINCROFT, NJ, United States
				<b>Position</b>	FINANCIAL ADVISOR
				<b>Investment Related</b>	Yes
From	07/2003	To	08/2010	<b>Name</b>	WACHOVIA SECURITIES, LLC
				<b>Location</b>	RICHMOND, VA, United States
				<b>Position</b>	FINANCIAL ADVISOR
				<b>Investment Related</b>	Yes
From	09/1998	To	07/2003	<b>Name</b>	PRUDENTIAL SECURITIES INC.
				<b>Location</b>	RED BANK, NJ, United States
				<b>Position</b>	OTHER - FINANCIAL ADVISOR IN TRAINING
				<b>Investment Related</b>	Yes
From	09/1998	To	07/2003	<b>Name</b>	PRUDENTIAL SECURITIES INCORPORATED
				<b>Location</b>	RED BANK, NJ, United States
				<b>Position</b>	FINANCIAL ADVISOR
				<b>Investment Related</b>	Yes

**Office of Employment History**

From 08/2010 To 11/2016  
 Name ROYAL ALLIANCE ASSOCIATES, INC.(23131)

Independent Contractor Yes

**Office of Employment Address**

CRD Branch#	Branch Code#	Firm Billing Code	Registered Location?	Private Residence?	Address Start Date	Address End Date	Type of Office
352362			Yes	No	08/24/2010	11/18/2016	Located At
Address 295 ROUTE 34, SUITE 301 COLTS NECK, NJ 07722 United States							

From 07/2003 To 08/2010  
 Name WELLS FARGO ADVISORS, LLC(19616)

Independent Contractor No

**Office of Employment Address**

CRD Branch#	Branch Code#	Firm Billing Code	Registered Location?	Private Residence?	Address Start Date	Address End Date	Type of Office
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**Individual 3127528 - SEQUEIRA, KEITH PATRICK**

**Administrative Information**

**Office of Employment History**

**Office of Employment Address**

190384	7770655	Yes	No	07/01/2003	08/10/2010	Located At
<b>Address</b> 331 NEWMAN SPRINGS RD BLDG 2, 3RD FLOOR						
RED BANK, NJ 07701 United States						
		No	No	07/01/2003	05/16/2006	Located At
<b>Address</b> 280 HIGHWAY 35, 4TH FLOOR						
RED BANK, NJ 07701 United States						

From 09/1998 To 07/2003

Name PRUDENTIAL SECURITIES INCORPORATED(7471)

Independent Contractor No

**Office of Employment Address**

CRD Branch#	Branch Code#	Firm Billing Code	Registered Location?	Private Residence?	Address Start Date	Address End Date	Type of Office
			No	No	09/14/1998	07/01/2003	Located At
<b>Address</b> 280 HIGHWAY 35							
RED BANK, NJ 07701 United States							

**Other Business**

- 1) KEITH SEQUEIRA; INVESTMENT RELATED; ██████████ COLTS NECK NJ ██████; AGENT ; START DATE 01/01/99; 1 ; 0 ; FIXED INSURANCE SALES.
- 2) FREEDOM CAPITAL MANAGEMENT, LLC; INVESTMENT RELATED; 295 STATE ROUTE 34 SUITE 201 COLTS NECK NJ 07722; VICE PRESIDENT ; START DATE 08/20/10; 10 ; 10 ; FIXED INSURANCE SALES.
- 3) KEITH SEQUEIRA; NOT INVESTMENT RELATED; ██████████ MIDDLETOWN NJ ██████; SOLE PROPRIETER; START DATE 09/27/16; 20 ; 0 ; PROVISION OF BOOKKEEPING SERVICES.

**Exam Appointments**

<<No Exam Appointments found for this Individual.>>

**Exam History**

Exam	Enrollment ID	Exam Status	Status Date	Exam Date	Grade	Score	Window Dates
S7	22966406	Official Result	12/16/1998	12/16/1998	Passed	91	-
S63	22966403	Official Result	12/22/1998	12/22/1998	Passed	84	-
S65	22966405	Official Waiver	06/05/2002				-
S65	22966404	Official Result	01/11/1999	01/11/1999	Passed	86	-

**CE Regulatory Element Status**

Current CE Status SATISFIED  
 CE Base Date 12/17/1998

**CE Appointments**

<<No CE Appointments found for this Individual.>>



**Individual 3127528 - SEQUEIRA, KEITH PATRICK**

**Administrative Information**

**Current CE**

<<No Current CE found for this Individual.>>

**Next CE**

Window Dates	Enrollment ID	Requirement Type	Session
12/17/2018-04/15/2019	35366529	Anniversary	101

**CE Directed Sequence History**

<<No CE Directed Sequence History found for this Individual.>>

**Inactive CE History Dates**

<<No Inactive CE History Dates found for this Individual.>>

**Previous CE Requirement Status**

Requirement Type	Enrollment ID	Session	Status	Status Date	Window Dates	Result
Anniversary	33741016	101			12/17/2015-04/14/2016	
Anniversary	33741016	101	SATISFIED	01/15/2016	12/17/2015-04/14/2016	01/15/2016 - CMPLT
Anniversary	33741016	101	REQUIRED	12/17/2015	12/17/2015-04/14/2016	
Anniversary	32812845	101	SATISFIED	04/02/2013	12/17/2012-04/15/2013	04/02/2013 - CMPLT
Anniversary	32812845	101	REQUIRED	12/17/2012	12/17/2012-04/15/2013	
Anniversary	31877705	101	SATISFIED	02/04/2010	12/17/2009-04/15/2010	02/04/2010 - CMPLT
Anniversary	31877705	101	REQUIRED	12/17/2009	12/17/2009-04/15/2010	
Anniversary	30860954	101	SATISFIED	01/22/2007	12/17/2006-04/15/2007	01/22/2007 - CMPLT
Anniversary	30860954	101	REQUIRED	12/18/2006	12/17/2006-04/15/2007	
Anniversary	29785546	101	SATISFIED	01/26/2004	12/17/2003-04/14/2004	01/26/2004 - CMPLT
Anniversary	29785546	101	REQUIRED	12/17/2003	12/17/2003-04/14/2004	
Anniversary	28975780	101	SATISFIED	03/28/2001	12/17/2000-04/15/2001	03/28/2001 - CMPLT
Anniversary	28975780	101	REQUIRED	12/17/2000	12/17/2000-04/15/2001	

**Filing History**

Date	Type	Submitted by
12/21/2016	U6 CRD Individual	FINRA
12/19/2016	U6 CRD Individual	FINRA
11/28/2016	U5 Full	ROYAL ALLIANCE ASSOCIATES, INC. (23131)
11/22/2016	U6 CRD Individual	FINRA

**Individual 3127528 - SEQUEIRA, KEITH PATRICK****Administrative Information****Filing History**

<b>Date</b>	<b>Type</b>	<b>Submitted by</b>
10/21/2016	U4 Amendment	ROYAL ALLIANCE ASSOCIATES, INC. (23131)
12/12/2014	U5 Partial	ROYAL ALLIANCE ASSOCIATES, INC. (23131)
06/05/2013	U4 Amendment	ROYAL ALLIANCE ASSOCIATES, INC. (23131)
11/01/2012	U4 Amendment	ROYAL ALLIANCE ASSOCIATES, INC. (23131)
10/30/2012	U5 Amendment	WELLS FARGO CLEARING SERVICES, LLC (19616)
03/27/2012	U4 Amendment	ROYAL ALLIANCE ASSOCIATES, INC. (23131)
02/21/2012	BR Filing	ROYAL ALLIANCE ASSOCIATES, INC. (23131)
02/16/2012	BR Filing	ROYAL ALLIANCE ASSOCIATES, INC. (23131)
01/25/2012	U4 Amendment	ROYAL ALLIANCE ASSOCIATES, INC. (23131)
01/18/2012	U5 Partial	ROYAL ALLIANCE ASSOCIATES, INC. (23131)
01/09/2012	U4 Amendment	ROYAL ALLIANCE ASSOCIATES, INC. (23131)
12/19/2011	U5 Partial	ROYAL ALLIANCE ASSOCIATES, INC. (23131)
05/18/2011	U4 Amendment	ROYAL ALLIANCE ASSOCIATES, INC. (23131)
05/13/2011	U5 Amendment	WELLS FARGO CLEARING SERVICES, LLC (19616)
11/08/2010	U4 Amendment	ROYAL ALLIANCE ASSOCIATES, INC. (23131)
09/10/2010	U5 Partial	ROYAL ALLIANCE ASSOCIATES, INC. (23131)
09/10/2010	U4 Amendment	ROYAL ALLIANCE ASSOCIATES, INC. (23131)
09/09/2010	U4 Amendment	ROYAL ALLIANCE ASSOCIATES, INC. (23131)
09/02/2010	U5 Full	WELLS FARGO CLEARING SERVICES, LLC (19616)
08/31/2010	U4 Amendment	ROYAL ALLIANCE ASSOCIATES, INC. (23131)
08/24/2010	U4 Relicense All	ROYAL ALLIANCE ASSOCIATES, INC. (23131)
12/21/2009	U5 Partial	WELLS FARGO CLEARING SERVICES, LLC (19616)
05/27/2009	U5 Partial	WELLS FARGO CLEARING SERVICES, LLC (19616)
05/18/2009	U4 Willful Questions Update	WELLS FARGO CLEARING SERVICES, LLC (19616)
10/31/2008	U4 Amendment	WELLS FARGO CLEARING SERVICES, LLC (19616)
03/06/2008	U5 Partial	WELLS FARGO CLEARING SERVICES, LLC (19616)
12/14/2007	U5 Partial	WELLS FARGO CLEARING SERVICES, LLC (19616)
12/13/2007	U5 Partial	WELLS FARGO CLEARING SERVICES, LLC (19616)
12/16/2006	U5 Partial	WELLS FARGO CLEARING SERVICES, LLC (19616)
07/29/2006	U4 Conversion	WELLS FARGO CLEARING SERVICES, LLC (19616)
05/19/2006	U4 Amendment	WELLS FARGO CLEARING SERVICES, LLC (19616)
05/16/2006	U4 Individual Branch Link	WELLS FARGO CLEARING SERVICES, LLC (19616)
01/26/2006	U4 Amendment	WELLS FARGO CLEARING SERVICES, LLC (19616)
12/15/2005	U5 Partial	WELLS FARGO CLEARING SERVICES, LLC (19616)
12/07/2005	U4 Amendment	WELLS FARGO CLEARING SERVICES, LLC (19616)
06/17/2005	U4 Amendment	WELLS FARGO CLEARING SERVICES, LLC (19616)
06/01/2005	U5 Amendment	PRUDENTIAL EQUITY GROUP, LLC (7471)
05/17/2005	U4 Amendment	WELLS FARGO CLEARING SERVICES, LLC (19616)
05/11/2005	U4 Amendment	WELLS FARGO CLEARING SERVICES, LLC (19616)
03/31/2005	U4 Amendment	WELLS FARGO CLEARING SERVICES, LLC (19616)
12/15/2004	U5 Partial	WELLS FARGO CLEARING SERVICES, LLC (19616)
08/26/2004	U4 Amendment	WELLS FARGO CLEARING SERVICES, LLC (19616)
08/25/2004	U4 Amendment	WELLS FARGO CLEARING SERVICES, LLC (19616)

**Individual 3127528 - SEQUEIRA, KEITH PATRICK****Administrative Information****Filing History**

<b>Date</b>	<b>Type</b>	<b>Submitted by</b>
07/26/2004	U4 Amendment	WELLS FARGO CLEARING SERVICES, LLC (19616)
07/09/2004	U5 Amendment	PRUDENTIAL EQUITY GROUP, LLC (7471)
06/01/2004	U4 Amendment	WELLS FARGO CLEARING SERVICES, LLC (19616)
01/02/2004	U4 Amendment	WELLS FARGO CLEARING SERVICES, LLC (19616)
10/30/2003	U4 Amendment	WELLS FARGO CLEARING SERVICES, LLC (19616)
10/03/2003	U4 Amendment	WELLS FARGO CLEARING SERVICES, LLC (19616)
07/09/2003	U4 Amendment	WELLS FARGO CLEARING SERVICES, LLC (19616)
07/07/2003	U4 Amendment	WELLS FARGO CLEARING SERVICES, LLC (19616)
07/01/2003	Mass Transfer	WELLS FARGO CLEARING SERVICES, LLC (19616)
06/27/2003	U5 Partial	PRUDENTIAL EQUITY GROUP, LLC (7471)
03/27/2003	U4 Amendment	PRUDENTIAL EQUITY GROUP, LLC (7471)
02/21/2003	U4 Amendment	PRUDENTIAL EQUITY GROUP, LLC (7471)
02/06/2003	U4 Amendment	PRUDENTIAL EQUITY GROUP, LLC (7471)
01/21/2003	U4 Amendment	PRUDENTIAL EQUITY GROUP, LLC (7471)
11/19/2002	U4 Amendment	PRUDENTIAL EQUITY GROUP, LLC (7471)
11/19/2002	U4 Amendment	PRUDENTIAL EQUITY GROUP, LLC (7471)
11/18/2002	U4 Amendment	PRUDENTIAL EQUITY GROUP, LLC (7471)
11/01/2002	U4 Amendment	PRUDENTIAL EQUITY GROUP, LLC (7471)
10/31/2002	U4 Amendment	PRUDENTIAL EQUITY GROUP, LLC (7471)
08/26/2002	U4 RA Transition	PRUDENTIAL EQUITY GROUP, LLC (7471)
05/23/2002	U4 Amendment	PRUDENTIAL EQUITY GROUP, LLC (7471)
10/11/2001	U4 Amendment	PRUDENTIAL EQUITY GROUP, LLC (7471)
08/14/2001	U4 Amendment	PRUDENTIAL EQUITY GROUP, LLC (7471)
03/07/2001	U4 Amendment	PRUDENTIAL EQUITY GROUP, LLC (7471)
02/07/2001	U4 Amendment	PRUDENTIAL EQUITY GROUP, LLC (7471)
01/25/2001	U4 Amendment	PRUDENTIAL EQUITY GROUP, LLC (7471)
12/06/2000	U4 Amendment	PRUDENTIAL EQUITY GROUP, LLC (7471)
11/22/2000	U4 Amendment	PRUDENTIAL EQUITY GROUP, LLC (7471)
08/18/2000	U4 Amendment	PRUDENTIAL EQUITY GROUP, LLC (7471)
08/16/2000	U4 Amendment	PRUDENTIAL EQUITY GROUP, LLC (7471)
06/20/2000	U4 Amendment	PRUDENTIAL EQUITY GROUP, LLC (7471)
04/17/2000	U4 Amendment	PRUDENTIAL EQUITY GROUP, LLC (7471)
07/05/1999	U4 Conversion	PRUDENTIAL EQUITY GROUP, LLC (7471)

Individual 3127528 - SEQUEIRA, KEITH PATRICK

Reportable Events

Number of Reportable Events

Bankruptcy	0
Bond	0
Civil Judicial	0
Criminal	0
Customer Complaint	1
Internal Review	0
Investigation	0
Judgment/Lien	0
Regulatory Action	1
Termination	0

Occurrence#	1562753	Disclosure Type	Customer Complaint
FINRA Public Disclosable	Yes	Reportable	Yes
Material Difference in Disclosure	No		

Filing ID	33462285	Form (Form Version)	U4 (05/2009)
Filing Date	11/01/2012		
Source	23131 - ROYAL ALLIANCE ASSOCIATES, INC.		
Disclosure Questions Answered	14I(5)(a)		

Customer Complaint DRP DRP Version 05/2009

1. Customer name(s): JOHN KOENIG AND MELISSA KOENIG
2. Residence information:
  - A. Customer(s) state of residence: New Jersey
  - B. Other state(s) of residence/ detail:
3. Employing firm: WELLS FARGO ADVISORS, LLC
4. Allegation(s): CLAIMANTS ALLEGE THAT, IN 2008, WACHOVIA SECURITIES, INC., AND WELLS FARGO ADVISORS, LLC, UNSUITABLY INVESTED CLAIMANTS' ASSETS IN THE INCOME-PRODUCING, INVESTMENT-GRADE, PREFERRED SHARES OF BANK OF AMERICA, CREDIT SUISSE, FANNIE MAE.
5. Product type(s): Equity Listed (Common & Preferred Stock)
6. Alleged compensatory damage amount: \$280,000.00  
Explanation:
7. Customer complaints:
  - A. Oral complaint: No
  - B. Written complaint: Yes
  - C. Arbitration/CFTC reparation or civil litigation: Yes

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Individual 3127528 - SEQUEIRA, KEITH PATRICK

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Reportable Events

Customer Complaint DRP

DRP Version 05/2009

- i. Arbitration/Reparation forum court name/location: FINRA
- ii. Docket/Case#: 11-01107
- iii. Arbitration or civil litigation filing date: 04/08/2011
- D. Date received by/Served on firm/Explanation: 05/17/2011
- 8. Complaint, arbitration/CFTC reparation, civil litigation pending: No
- 9. Complaint, arbitration/CFTC reparation or civil status: Settled
- 10. Status date/Explanation: 10/19/2012
- 11. Settlement/Award/Monetary judgment:
  - A. Award amount: \$70,000.00
  - B. Contribution amount: \$0.00
- 12. Arbitration/CFTC reparation information:
  - A. Arbitration/CFTC reparation claim filed with:
  - B. Docket/Case#:
  - C. Date notice/Process was served/Explanation:
- 13. Pending arbitration/ CFTC reparation:
- 14. Disposition:
- 15. Disposition date/Explanation:
- 16. Monetary compensation details:
  - A. Total compensation amount:
  - B. Contribution amount:
- 17. Court in which case was filed:
  - A. Name of court:
  - B. Location of court:
  - C. Docket/Case#:
- 18. Date notice/process was served/Exolanation:
- 19. Pending civil litigation:
- 20. Civil litigation status:

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Individual 3127528 - SEQUEIRA, KEITH PATRICK

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Reportable Events

Customer Complaint **DRP** **DRP Version** 05/2009

- 21. Disposition date/Explanation:
- 22. Monetary compensation details:
  - A. Total compensation amount:
  - B. Contribution amount:
- 23. If action is currently on appeal:
  - A. Appeal date/Explanation:
  - B. Court appeal filed with:
    - i. Name of court:
    - ii. Location of court:
    - iii. Docket/Case#:

24. Comment: THE FA DENIES THE COMPLAINT. THE CLIENT WAS AN EXPERIENCED INVESTOR WITH AN AGGRESSIVE GROWTH PROFILE. CLIENT DID NOT-AT THE RELEVANT TIMES-HOLD THE VIEW THAT THE PURCHASE OF INVESTMENT-GRADE PREFERRED SHARES WAS 'UNSUITABLE'. CONTRARY TO HIS ESTABLISHED PRACTICE, FURTHER, CLIENT SPECIFICALLY INSTRUCTED FA NOT TO PLACE STOP SELL ORDERS ON THE PURCHASES OF BANK OF AMERICA, CREDIT SUISSE, AND FANNIE MAE.

Filing ID 33449317 Form (Form Version) U5 (05/2009)  
Filing Date 10/30/2012  
Source 19616 - WELLS FARGO CLEARING SERVICES, LLC  
Disclosure Questions Answered 7E(4)(a),7E(5)(a)

Customer Complaint **DRP** **DRP Version** 05/2009

- 1. Customer name(s): JOHN KOENIG AND MELISSA KOENIG
- 2. Residence information:
  - A. Customer(s) state of residence: New Jersey
  - B. Other state(s) of residence/ detail:
- 3. Employing firm: WELLS FARGO ADVISORS, LLC
- 4. Allegation(s): CLAIMANTS, RESIDENTS OF NEW JERSEY, ALLEGES UNSUITABLE PURCHASES OF BANK OF AMERICA, CREDIT SUISSE, AND FANNIE MAE AGAINST FA BETWEEN MAY 2008 - 2009. CLAIMANTS SEEKS DAMAGES OF \$280,000.00.
- 5. Product type(s): Equity Listed (Common & Preferred Stock)
- 6. Alleged compensatory damage amount: \$280,000.00

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Individual 3127528 - SEQUEIRA, KEITH PATRICK

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Reportable Events

Customer Complaint DRP

DRP Version 05/2009

Explanation:

7. Customer complaints:

- A. Oral complaint: No
- B. Written complaint: Yes
- C. Arbitration/CFTC reparation or civil litigation: Yes
  - i. Arbitration/Reparation forum court name/location: FINRA
  - ii. Docket/Case#: 11-01107
  - iii. Arbitration or civil litigation filing date: 04/08/2011
- D. Date received by/Served on firm/Explanation: 04/13/2011

8. Complaint, arbitration/CFTC reparation, civil litigation pending: No

9. Complaint, arbitration/CFTC reparation or civil status: Settled

10. Status date/Explanation: 10/19/2012

11. Settlement/Award/Monetary judgment:

- A. Award amount: \$70,000.00
- B. Contribution amount: \$0.00

12. Arbitration/CFTC reparation information:

- A. Arbitration/CFTC reparation claim filed with:
- B. Docket/Case#:
- C. Date notice/Process was served/Exolanation:

13. Pending arbitration/ CFTC reparation:

14. Disposition:

15. Disposition date/Explanation:

16. Monetary compensation details:

- A. Total compensation amount:
- B. Contribution amount:

17. Court in which case was filed:

- A. Name of court:

Individual 3127528 - SEQUEIRA, KEITH PATRICK

**Reportable Events**

**Customer Complaint DRP** **DRP Version** 05/2009

- B. Location of court:
- C. Docket/Case#:
- 18. Date notice/process was served/Explanation:
- 19. Pending civil litigation:
- 20. Civil litigation status:
- 21. Disposition date/Explanation:
- 22. Monetary compensation details:
  - A. Total compensation amount:
  - B. Contribution amount:
- 23. If action is currently on appeal:
  - A. Appeal date/Explanation:
  - B. Court appeal filed with:
    - i. Name of court:
    - ii. Location of court:
    - iii. Docket/Case#:

24. Comment: THE FIRM SETTLED THE MATTER ON OCTOBER 19TH, 2012 FOR \$70,000.00 TO AVOID THE EXPENSE, DISTRACTION, AND UNCERTAINTY OF FURTHER LITIGATION.

<b>Occurrence#</b>	1910486	<b>Disclosure Type</b>	Regulatory Action
<b>FINRA Public Disclosable</b>	Yes	<b>Reportable</b>	Yes
<b>Material Difference in Disclosure</b>	No		

**Filing ID** 45121226 **Form (Form Version)** U5 (05/2009)  
**Filing Date** 11/28/2016  
**Source** 23131 - ROYAL ALLIANCE ASSOCIATES, INC.  
**Disclosure Questions Answered** 7D

**Regulatory Action DRP** **DRP Version** 05/2009

- 1. Regulatory Action initiated by:
  - A. Initiated by: Self Regulatory Organization
  - B. Full name of regulator: FINRA
- 2. Sanction(s) sought: Suspension
- 3. Date initiated/Explanation: 11/18/2016
- 4. Docket/Case#: 20160510627



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Individual 3127528 - SEQUEIRA, KEITH PATRICK

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Reportable Events

Regulatory Action DRP

DRP Version 05/2009

5. Employing firm: ROYAL ALLIANCE
6. Product type(s): No Product
7. Allegation(s): FINRA OFFICE OF DISPUTE SENT SEQUEIRA A NOTICE OF SUSPENSION INFORMING HIM THAT HE WOULD BE SUSPENDED FROM ASSOCIATING WITH ANY FINRA MEMBER FIRM FOR HIS FAILURE TO PAY AN ARBITRATION AWARD. SEQUEIRA STAYED THE SUSPENSION BY FILING A HEARING REQUEST WITH FINRA'S OFFICE OF HEARING OFFICERS. FOLLOWING THE HEARING, IT WAS CONCLUDED THAT SEQUEIRA FAILED TO ESTABLISH A VALID DEFENSE TO THE NOTICE OF SUSPENSION. SEQUEIRA IS THEREFORE SUSPENDED FROM ASSOCIATING WITH ANY FINRA MEMBER FIRM IN ANY CAPACITY FOR FAILURE TO COMPLY WITH AN ARBITRATION AWARD OR SETTLEMENT AGREEMENT OR TO SATISFACTORILY RESPOND TO A FINRA REQUEST TO PROVIDE INFORMATION CONCERNING THE STATUS OF COMPLIANCE.
8. Current status: Final
9. Limitations or restrictions while pending:
10. If on appeal:
- A. Appealed to:
- B. Date appealed/Explanation:
- C. Limitations or restrictions while on appeal:
11. Resolution details:
- A. Resolution detail: Decision
- B. Resolution date/Explanation: 11/18/2016
12. Sanction detail:
- A. Sanctions ordered: Monetary Penalty other than Fines  
Suspension
- B. Other sanctions: COSTS OF PROCEEDING
- C. Willful violation or failure to supervise: No
- i. Willfully violated:
- ii. Willfully aided, abetted, counseled, commanded, induced,

Individual 3127528 - SEQUEIRA, KEITH PATRICK

Reportable Events

Regulatory Action **DRP** **DRP Version** 05/2009

or procured:

- iii. Failed reasonably to supervise another person:

D. Sanction type details:

Sanction type: Suspension  
 Registration capacities affected: ALL CAPACITIES  
 Duration (length of time)/Explanation: N/A  
 Start date/Explanation: 11/18/2016  
 End date/Explanation:

E. Requalification type details:

F. Monetary related sanction type details:

Monetary related sanction type: Monetary Penalty other than Fines  
 Total amount: \$1,294.00  
 Portion levied: \$1,294.00  
 Payment plan:  
 Payment plan current:  
 Date paid / Explanation:  
 Penalty waived: No  
 Amount:

13. Comment: THE SUSPENSION WILL AUTOMATICALLY CONVERT TO A BAR ON DECEMBER 18, 2016 IF SEQUEIRA FAILS TO PROVIDE THE NECESSARY SUFFICIENT DOCUMENTARY EVIDENCE TO FINRA WITHIN 30 DAYS AFTER THE DATE OF THIS DECISION. SEQUEIRA IS ALSO ORDERED TO PAY FINRA COSTS OF \$1,294, WHICH ARE DUE AND PAYABLE AS OF THE DATE OF THIS DECISION.(ASSOCIATED CASE NO. ARB160035)

Filing ID 45357158 Form (Form Version) U6 (05/2009)  
 Filing Date 12/21/2016  
 Source FINRA  
 Disclosure Questions Answered

Regulatory Action **DRP** **DRP Version** 05/2009

1. Regulatory Action initiated by:

A. Initiated by: Self Regulatory Organization

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Individual 3127528 - SEQUEIRA, KEITH PATRICK

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Reportable Events

Regulatory Action **DRP**

DRP Version 05/2009

- B. Full name of regulator: FINRA
2. Sanction(s) sought: Suspension
3. Date initiated/Explanation: 07/29/2016
4. Docket/Case#: 20160510627
5. Employing firm: n/a
6. Product type(s): No Product
7. Allegation(s): Respondent Sequeira failed to comply with an arbitration award or settlement agreement or to satisfactorily respond to a FINRA request to provide information concerning the status of compliance.
8. Current status: On Appeal  
No
9. Limitations or restrictions while pending: No
10. If on appeal:
- A. Appealed to: SEC
- B. Date appealed/Explanation: 12/16/2016
- C. Limitations or restrictions while on appeal: Yes  
Sequeira remains suspended while on appeal.
11. Resolution details:
- A. Resolution detail: Other: Pending Appeal
- B. Resolution date/Explanation: 11/18/2016
12. Final order: No
13. Sanction detail:
- A. Sanctions ordered: Monetary Penalty other than Fines  
Suspension
- B. Other sanctions:
- C. Willful violation or failure to supervise: No
- i. Willfully violated:
- ii. Willfully aided, abetted, counseled, commanded, induced, or procured:
- iii. Failed reasonably to supervise another

**Individual 3127528 - SEQUEIRA, KEITH PATRICK**

**Reportable Events**

**Regulatory Action DRP**

**DRP Version 05/2009**

person:

**D. Sanction type details:**

Sanction type: Suspension  
 Registration capacities affected: Any capacity  
 Duration (length of time)/Explanation: n/a  
 Start date/Explanation: 11/18/2016  
 End date/Explanation: 12/17/2016

**E. Requalification type details:**

**F. Monetary related sanction type details:**

Monetary related sanction type: Monetary Penalty other than Fines  
 Total amount: \$1,294.00  
 Portion levied: \$1,294.00  
 Payment plan:  
 Payment plan current:  
 Date paid / Explanation:  
 Penalty waived: No  
 Amount:

**14. Comment:**

FINRA's Office of Dispute Resolution sent Sequeira a Notice of Suspension informing him that he would be suspended from associating with any FINRA member firm for his failure to pay an arbitration award. Sequeira stayed the suspension by filing a hearing request with FINRA's Office of Hearing Officers. Sequeira's hearing request was granted. Following the hearing, it was concluded that Sequeira failed to establish a valid defense to the Notice of Suspension. Sequeira is therefore suspended from associating with any FINRA member firm in any capacity for failure to comply with an arbitration award or settlement agreement or to satisfactorily respond to a FINRA request to provide information concerning the status of compliance. The suspension will automatically convert to a bar on December 18, 2016 if Sequeira fails to provide the necessary sufficient documentary evidence to FINRA within 30 days after the date of this Decision. Sequeira is also ordered to pay FINRA costs of \$1,294, which are due and payable as of the date of this decision. On December 16, 2016, Sequeira appealed to the Securities and Exchange Commission (SEC). The suspension remains in effect while on appeal. (Associated Case No. ARB160035)

**Regulator Archive and Z Records**

<b>Occurrence#</b>	1120280	<b>Disclosure Type</b>	Customer Complaint
<b>FINRA Public Disclosable</b>	No	<b>Reportable</b>	No
<b>Material Difference in Disclosure</b>	No		

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Individual 3127528 - SEQUEIRA, KEITH PATRICK

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Regulator Archive and Z Records

Filing ID 15597370 Form (Form Version) U4 (06/2003)  
Filing Date 06/17/2005  
Source 19616 - WELLS FARGO CLEARING SERVICES, LLC  
Disclosure Questions Answered 14(1)(a)

Customer Complaint DRP DRP Version 10/2005

1. Customer name(s): IRIS BARAD
2. Customer(s) state of residence: New York  
Other state(s) of residence/Detail:
3. Employing firm: PSI
4. Allegation(s): CLAIMANT ALLEGED UNSUITABLE MUTUAL FUND TRANSACTIONS; CLAIMANT NOW ALLEGES UNSUITABLE INVESTMENT TRANSACTIONS AND MISREPRESENTATIONS.
5. Principal product type: Mutual Fund(s)  
Other product types:
6. Alleged compensatory damages: \$70,000.00
7. Date complaint received/Explanation: 01/16/2003
8. Currently pending: No
9. Status: Arbitration/Reparation
10. Status date/Explanation: 06/22/2004
11. Settlement amount:
12. Individual contribution amount:
13. Arbitration/Reparation claim filed with, Docket/Case#: NASD CASE NO. 04-04036
14. Date notice served/ Explanation: 06/22/2004
15. Arbitration/Reparation pending: No
16. Disposition: Dismissed
17. Disposition date/Explanation: 05/13/2005
18. Compensation amount:
19. Individual contribution amount:
20. Court, Docket/Case#:
21. Date/Explanation:
22. Litigation pending:
23. Disposition:
24. Date/Explanation:

**Individual 3127528 - SEQUEIRA, KEITH PATRICK**

**Regulator Archive and Z Records**

**Customer Complaint DRP**

**DRP Version 10/2005**

25. Compensation amount:

26. Individual contribution amount:

27. Appeal date/Explanation:

28. Comment:

THE ALLEGATIONS BY THE CLAIMANT WERE STRENUOUSLY DENIED ON THE GROUNDS THAT THEY WERE BASELESS AND WITHOUT MERIT. BY LETTER DATED MAY 13, 2005 TO NASD DR THE CLAIMANT DISMISSED, WITH PREJUDICE, KEITH P SEQUEIRA AS A RESPONDENT".

**Filing ID 15500909**

**Form (Form Version) U5 (06/2003)**

**Filing Date 06/01/2005**

**Source 7471 - PRUDENTIAL EQUITY GROUP, LLC**

**Disclosure Questions Answered 7E(1)(a)**

**Customer Complaint DRP**

**DRP Version 10/2005**

1. Customer name(s): IRIS BARAD

2. Customer(s) state of residence: New York

Other state(s) of residence/Detail:

3. Employing firm: PSI

4. Allegation(s): CLAIMANT ALLEGED UNSUITABLE MUTUAL FUND TRANSACTIONS; CLAIMANT NOW ALLEGES UNSUITABLE INVESTMENT TRANSACTIONS AND MISREPRESENTATIONS

5. Principal product type: Options

Other product types: EQUITIES - OPTIONS NOW THE FOCUS OF CLAIMANTS ARBITRATION CLAIM.

6. Alleged compensatory damages: \$70,000.00

7. Date complaint received/Explanation: 06/22/2004

8. Currently pending: No

9. Status: Arbitration/Reparation

10. Status date/Explanation: 06/22/2004

11. Settlement amount:

12. Individual contribution amount:

13. Arbitration/Reparation claim filed with, Docket/Case#: NASD CASE NO. 04-04036

14. Date notice served/ Explanation: 06/22/2004

15. Arbitration/Reparation pending: No

Individual 3127528 - SEQUEIRA, KEITH PATRICK

Regulator Archive and Z Records

Customer Complaint DRP

DRP Version 10/2005

- 16. Disposition: Dismissed
- 17. Disposition date/Explanation: 05/13/2005
- 18. Compensation amount:
- 19. Individual contribution amount:
- 20. Court, Docket/Case#:
- 21. Date/Explanation:
- 22. Litigation pending:
- 23. Disposition:
- 24. Date/Explanation:
- 25. Compensation amount:
- 26. Individual contribution amount:
- 27. Appeal date/Explanation:
- 28. Comment:

BY LETTER DATED MAY 13, 2005 TO NASD DR CLAIMANT DISMISSED KEITH SEQUEIRA AS A RESPONDENT IN THE ARBITRATION.

Occurrence#	1426584	Disclosure Type	Customer Complaint
FINRA Public Disclosable	No	Reportable	No
Material Difference in Disclosure	No		

Filing ID	24074977	Form (Form Version)	U4 (10/2005)
Filing Date	10/31/2008		
Source	19616 - WELLS FARGO CLEARING SERVICES, LLC		
Disclosure Questions Answered	14I(3)(a)		

Customer Complaint DRP

DRP Version 10/2005

- 1. Customer name(s): JOSEPH A. GOMES
- 2. Customer(s) state of residence: New York  
Other state(s) of residence/Detail:
- 3. Employing firm: WACHOVIA SECURITIES, LLC
- 4. Allegation(s): NY CLIENT ALLEGED THAT THE FA SHOULD HAVE HAD THE FORESIGHT TO SELL FANNIE MAE PREFERRED SHARES, FNM.T. THE CLIENT DID NOT SPECIFY THE ALLEGED LOSSES FROM THE MAY 12, 2008 PURCHASE OF FNM.T BUT THESE LOSSES ARE BELIEVED TO EXCEED \$5,000. (05/12/2008)
- 5. Principal product type: Equity Listed (Common & Preferred Stock)  
Other product types:
- 6. Alleged compensatory damages: \$0.00

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Individual 3127528 - SEQUEIRA, KEITH PATRICK

Regulator Archive and Z Records

Customer Complaint DRP DRP Version 10/2005

7. Date complaint received/Explanation: 09/09/2008

8. Currently pending: No

9. Status: Denied

10. Status date/Explanation: 10/29/2008

11. Settlement amount:

12. Individual contribution amount:

13. Arbitration/Reparation claim filed with, Docket/Case#:

14. Date notice served/ Explanation:

15. Arbitration/Reparation pending:

16. Disposition:

17. Disposition date/Explanation:

18. Compensation amount:

19. Individual contribution amount:

20. Court, Docket/Case#:

21. Date/Explanation:

22. Litigation pending:

23. Disposition:

24. Date/Explanation:

25. Compensation amount:

26. Individual contribution amount:

27. Appeal date/Explanation:

28. Comment:

COMPLAINT DENIED BY FIRM, CLIENT HAD A PRACTICE OF INSTRUCTING THE FA TO PLACE STOP SELL ORDERS ON THE SECURITIES THAT HE PURCHASED. HE SPECIFICALLY INSTRUCTED FA NOT TO PLACE STOP SELL ORDER ON THE FANNIE MAE STOCK.

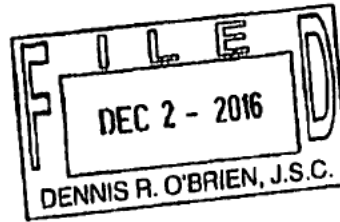


# **APPENDIX B**

Keith P. Sequeira

[Redacted]  
Middletown  
NJ [Redacted]

Telephone: [Redacted]  
E-Mail: [Redacted]



Keith P. Sequeira,  
Plaintiff,

v.

Wells Fargo Advisors, LLC,  
Defendant.

Superior Court of New Jersey  
Law Division  
Monmouth County

Civil Action

Docket No. MON-L-003393-14

Order

This matter having been opened to the Court on Motion by Plaintiff, Keith P. Sequeira; the Court having read and considered the papers submitted in support of Motion to Reinstate; the Court having considered the oral arguments of Plaintiff and Counsel; and for good cause appearing;

It is on this 2 day of Dec, 2016:

Ordered that Plaintiff's Motion to Reinstate be and hereby is Granted and Plaintiff shall file an amended complaint within sixty days, and it is further

Ordered that a copy of the within Order be served on all parties within 7 days of receipt.

  
\_\_\_\_\_

The Honorable Dennis R. O'Brien, J.S.C.

This Motion was:

Opposed

Unopposed

The decision of the Court was

Written *See attached*

Oral and entered in the record on \_\_\_\_\_

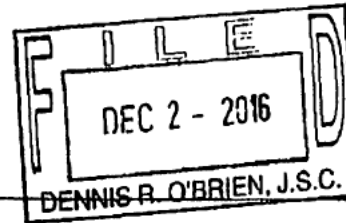
SEQUEIRA

L-3393-14

Plaintiff,

v.

WELLS FARGO ADVISORS LLC. ET AL.  
Defendant.



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STATEMENT OF REASONS  
R. 1:6-2(f)

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1. In 2008, Plaintiff filed a plenary action ("Sequeira I") against numerous defendants, including two of Wells Fargo's predecessor firms (Sequeira v. Prudential Equity Group, LLC and Wachovia Securities, LLC, et. al., MON-L-00179-08). Sequeira I was dismissed with prejudice on summary judgment. The Appellate Division affirmed the dismissal and certification of the Sequeira I decision was denied by the New Jersey Supreme Court. (See, Sequeira v. Prudential Equity Group, LLC and Wachovia Securities, LLC, et. al., A-0734-10T3, October 9, 2014; Sequeira v. Prudential Equity Group, LLC and Wachovia Securities, LLC, et. al., 222 N.J. 15, July 6, 2015).
2. A second action was brought by Plaintiff in 2002 (Sequeira II) against essentially all the same defendants in Sequeira I. (Sequeira v. Wells Fargo Advisors, LLC, et. al., MON-L-00925-12.) Sequeira II was dismissed with prejudice. The Appellate Division affirmed the trial court's dismissal on all counts except for a breach of contract claim that was to be decided in a pending arbitration proceeding. (See, Sequeira v. Wells Fargo Advisors, LLC, et. al., A-3239-13T1).
3. On September 4, 2014 Plaintiff filed this instant suit ("Sequeira III") seeking, among other things, to vacate an August 5, 2014 arbitration award. Plaintiff claims that his Complaint in this instant matter "contained a certification pursuant to R. 4:5-1 which identified *inter alia* that the matters in controversy were the subject of two pending actions in the Appellate Division and one recently—concluded arbitration under the auspices of the Financial Industry Regulatory Authority, Inc. ("FINRA").
4. Plaintiff made reference to the matters in the Appellate Division without any indication what those claims are about or how they are relevant to the within matter.
5. On March 24, 2015 Plaintiff filed a motion to extend time to file and serve an amended complaint and extend discovery. On April 10, 2015 this Court denied Plaintiff's motion indicating on the Order,

Case was dismissed for lack of prosecution on 3/27/2015. A motion to extend discovery when no answer has been filed is improper. Movant has yet to file an Affidavit of Service and his telephone call to the Clerk does not suffice to protect his rights. Accordingly, the motion is denied and the matter remains dismissed.

6. Plaintiff contends that he was not mailed a copy of the April 10, 2015 Order.
7. Plaintiff waited over a month after the return date of his motion, until May 18, 2015, to inquire about the status of his motion and to advise the Court that he had not received an Order. At that time, the Court advised Plaintiff that his motion had been denied and he was faxed a copy of the Order and a copy of the Order again was mailed to the address listed on Plaintiff's motion papers.
8. Plaintiff sought reconsideration of this Court's April 10, 2015 Order and to reinstate his case to the active trial list. On July 10, 2015 this Court denied Plaintiff's motion, finding that Plaintiff had again failed to serve any of the parties and that affidavits of service needed to be filed to reinstate Plaintiff's Complaint, in addition to a showing of exceptional circumstances.
9. In August 2016, Plaintiff served the summons and complaint in Sequeira III on Defendants, Wells Fargo and FINRA at their respective corporate offices.
10. On September 8, 2016 Plaintiff filed his first motion seeking to reinstate the Complaint on the basis that he has now served the Defendants, curing the defect which led to the dismissal of the Complaint and additionally arguing that FINRA's arbitrators disregard for the Court's ruling constitute exceptional circumstances.
11. On September 29 2016, prior to this Court's decision on Plaintiff's first motion to reinstate, Plaintiff executed a Stipulation of Dismissal, with prejudice, as to defendants FINRA and Linda Feinberg,
12. By order dated September 30, 2016, this Court denied Plaintiff's motion to reinstate on the basis that Plaintiff failed to provide either good cause or exceptional circumstances for his failure to prosecute the action or explain the reasons for delay in serving the complaint. This Court additionally noted that Plaintiff provided no reasons for why he waited another six months after the Appellate Division's February, 2016 decision in Sequeira II before serving FINRA and Wells Fargo in Sequeira III.
13. On November 7, 2016 Plaintiff filed the instant second motion to reinstate the Complaint, reiterating many of his arguments made in the September 8, 2016 motion and attaching a Stipulation of Dismissal, without prejudice, as to those still unserved defendants, attempting to cure any remaining service deficiencies.
14. R. 1:13-7 governs dismissal of a case for lack of prosecution. Pursuant to R. 1:13-7(a):

“whenever an action has been pending for four months or, if a general equity action, for two months, without a required proceeding having been taken therein as hereafter defined in subsection (b), the court shall issue written notice to the plaintiff advising that the action as to any or all defendants will be dismissed without prejudice 60 days following the date of the notice or 30 days thereafter in general equity cases unless, within said period, action specified in subsection (c) is taken. If no such action is taken, the court shall enter an order of dismissal without prejudice as to any named defendant and shall furnish the plaintiff with a copy thereof. After dismissal, reinstatement of an action against a single defendant may be permitted on submission of a consent order vacating the dismissal and allowing the dismissed defendant to file an answer, provided the proposed consent order is accompanied by the answer for filing, a case information statement, and the requisite fee. If the defendant has been properly served but declines to execute a consent order, plaintiff shall move on good cause shown for vacation of the dismissal.”

15. R. 1:13-7 provides a motion for reinstatement will be granted only once the requisite documentation is submitted and Plaintiff must demonstrate exceptional circumstances. In granting reinstatement, the Plaintiff's freedom from fault and the absence of prejudice to the Defendant are key factors to be considered. See Ghandi v. Cespedes, 390 N.J. Super. 193 (App. Div. 2007).

16. It is well settled that reconsideration of an order or judgment is a matter “within the sound discretion of the court to be exercised in the interest of justice.” Cummings v. Bahr, 295 N.J. Super. 374, 384 (App. Div. 1996) (quoting D’Atria v. D’Atria, 242 N.J. Super. 392, 401 (Ch. Div. 1990)). R. 4:49-2 governs the reconsideration of a judgment or order, and provides:

Except as otherwise provided by R. 1:13-1 (clerical errors) a motion for rehearing or reconsideration seeking to alter or amend a judgment or order shall be served not later than 20 days after service of the judgment or order upon all parties by the party obtaining it. The motion shall state with specificity the basis on which it is made, including a statement of the matters or controlling decisions which counsel believes the court has overlooked or as to which it has erred.

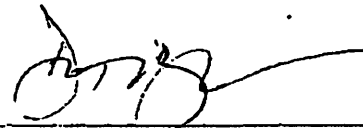
Ibid. Reconsideration is warranted only in very narrow circumstances. Specifically, reconsideration is warranted when either (1) the court has expressed its decision based upon a palpably incorrect or irrational basis, or (2) it is obvious that the Court either did not consider, or failed to appreciate the significance of probative, competent evidence. Cummings v. Bahr, 295 N.J. Super. 374, 384 (App. Div. 1996); see also Fusco v. Board of Educ. of City of Newark, 349 N.J. Super. 455, 462 (App. Div. 2002); Calceterra v. Calceterra, 206 N.J. Super. 398, 403 (App. Div. 1986) (finding reconsideration warranted only where an order is “improvidently entered”).

Moreover, a motion under R. 4:49-2 must be based on issues that were before the court. Lahue v. Pio Costa, 263 N.J. Super. 575 (App. Div. 1993). It is not a vehicle to obtain "a second bite of the apple." Fusco, supra, 349 N.J. Super. at 463. A litigant may, however, bring new or additional information to the court's attention where it could not have provided with the first application. A court, in the interest of justice and in its discretion, may consider such evidence. D'Atria, supra, 242 N.J. Super. at 401.

Further, a litigant should not seek reconsideration merely because of dissatisfaction with a decision of the court. Rather, the preferred course to be followed when one is disappointed with a judicial determination is to seek relief by means of either a motion for leave to appeal or, if the order is final, by a notice of appeal. Ibid.

17. Here, Plaintiff is essentially seeking reconsideration of this Court's September 30, 2016 Order and has inaccurately captioned the instant motion as a second Motion to Reinstate. The Court will not permit Plaintiff to avoid the consequences of his failure to file a timely Motion for Reconsideration by improperly identifying this motion as a second Motion to Reinstate. Additionally, Plaintiff's dissatisfaction with this Court's decision is not grounds for reconsideration. This Court thoroughly reviewed all of the papers submitted before it rendered a decision. A motion for Reconsideration is not a second bite at the apple but instead it must be shown (1) the court has expressed its decision based upon a palpably incorrect or irrational basis, or (2) it is obvious that the Court either did not consider, or failed to appreciate the significance of probative, competent evidence. Plaintiff has failed to meet this burden as the Court did consider Plaintiff's arguments but ultimately disagreed.
18. Furthermore, despite Plaintiff's attempt to cure any remaining service deficiencies, Plaintiff has still failed to provide either good cause or exceptional circumstances for his failure to prosecute the action or explain the reasons for delay in serving the complaint, which is required for this Court to reinstate his Complaint. Plaintiff failed to serve Defendants when the Complaint was filed, failed to serve Defendants after his case was dismissed six months later, and had yet to serve the Defendants when he sought reconsideration of the dismissal in July 2015. It was not until August 16, 2016, more than a year after the Court's July 10, 2015 Order that Defendants were finally served. Plaintiff does not assert that he encountered any difficulty in serving Defendants and has given no reason for his repeated failures. Especially since there were no service issues in his first two cases, Sequeira I and Sequeira II.
19. Moreover, Plaintiff's attempt to now reinstate Sequeira III out of fear that FINRA could suspend Plaintiff's securities license if he fails to satisfy the FINRA arbitration award in favor of Wells Fargo and FINRA does not explain any delay in seeking to reinstate this case. Plaintiff knowingly failed to bring a summary proceeding to vacate the award within the requisite statute of limitations, thus precluding any showing of the requisite good cause ~~of~~ exceptional circumstances needed to reinstate his Complaint.

20. Additionally, Plaintiff claims the FINRA arbitration panel disregarded the Court's Ruling by improperly denying leave for Plaintiff to assert his contract-related counterclaims against Wells Fargo. However, in coming to a decision the arbitration panel did consider Plaintiff's contract claims, therefore leaving Plaintiff with no basis to rely on the panel's alleged failure to consider the claims in justifying his delay in proceeding with the case.
21. Furthermore, no reasons have been provided for why Plaintiff waited another six months after the Appellate Division's February, 2016 decision in Sequeira II before serving FINRA and Wells Fargo.
22. Since Plaintiff has failed to make a proper motion to reinstate, this case remains closed. For the aforementioned reasons, Plaintiff's motion is **DENIED**.



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DENNIS R. O'BRIEN, J.S.C.

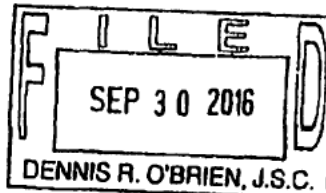


# **APPENDIX C**

Keith P. Sequeira, *Pro Se*

██████████  
Middletown  
NJ ██████████

Tel: ██████████  
E-Mail: ██████████



Keith P. Sequeira,  
Plaintiff,

v.

Wells Fargo Advisors, LLC, *et al.*,  
Defendants.

Superior Court of New Jersey  
Law Division  
Monmouth County

Civil Action

Docket No. MON-L-003393-14

Order

This matter having been opened to the Court on Motion by Plaintiff, Keith P. Sequeira *Pro Se*; the Court having read and considered the papers submitted in support of Motion to Reinstate Case to Active Trial List; the Court having considered the oral arguments of Plaintiff and Counsel; and for good cause appearing;

It is on this 30 day of Sept, 2016:

Ordered that Plaintiff's Motion to Reinstate Case to Active Trial List be and hereby is Granted; and it is further

**Ordered** that a copy of the within Order be served on all parties within

7 days of receipt.

  
A handwritten signature in black ink, appearing to read "DRO", is written over a horizontal line.

**DENNIS R. O'BRIEN, J.S.C.**

This Motion was:

       **Opposed**

       **Unopposed**

The decision of the Court was

       **Written**

*See attached Statement of Reasons*

       **Oral and entered on the record on** \_\_\_\_\_

SEQUEIRA

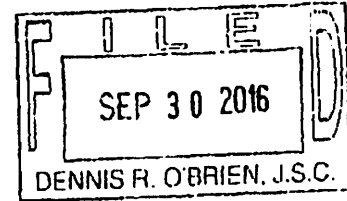
L-3393-14

Plaintiff,

v.

WELLS FARGO ADVISORS LLC. ET AL.

Defendant.



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**STATEMENT OF REASONS**

**R. 1:6-2(f)**

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1. Plaintiff filed this instant suit on September 4, 2014.
2. Plaintiff claims that his Complaint in this instant matter “contained a certification pursuant to R. 4:5-1 which identified *inter alia* that the matters in controversy were the subject of two pending actions in the Appellate Division and one recently—concluded arbitration under the auspices of the Financial Industry Regulatory Authority, Inc. (“FINRA”).
3. Plaintiff made reference to the matters in the Appellate Division without any indication what those claims are about or how they are relevant to the within matter.
4. On March 24, 2015 Plaintiff contends that he filed a motion to extend time to file and serve an amended complaint. On April 10, 2015 this Court denied Plaintiff’s motion indicating on the Order,

Case was dismissed for lack of prosecution on 3/27/2014. A motion to extend discovery when no answer has been filed is improper. Movant has yet to file an Affidavit of Service and his telephone call to the Clerk does not suffice to protect his rights. Accordingly, the motion is denied and the matter remains dismissed.
5. Plaintiff contends that he was not mailed a copy of the April 10, 2015 Order.
6. Plaintiff waited over a month after the return date of his motion, until May 18, 2015 to inquire about the status of his motion and to advise the Court that he had not received an Order. At that time, the Court advised Plaintiff that his motion had been denied and he was faxed a copy of the Order and a copy of the Order again was mailed to the address listed on Plaintiff’s motion papers.
7. Plaintiff sought reconsideration of this Court’s April 10, 2015 Order and to reinstate his case to the active list. On July 10, 2015 this Court denied Plaintiff’s motion, finding that

Plaintiff had again failed to serve any of the parties and that affidavits of service needed to be filed to reinstate Plaintiff's Complaint, in addition to a showing of exceptional circumstances.

8. On September 8, 2016 Plaintiff filed the instant motion seeking to reinstate the Complaint on the basis that he has now served the Defendants, curing the defect which led to the dismissal of the Complaint and additionally arguing that FINRA's arbitrators disregard for the Courts Ruling constitute exceptional circumstances.

9. R. 1:13-7 governs dismissal of a case for lack of prosecution. Pursuant to R. 1:13-7(a):

“whenever an action has been pending for four months or, if a general equity action, for two months, without a required proceeding having been taken therein as hereafter defined in subsection (b), the court shall issue written notice to the plaintiff advising that the action as to any or all defendants will be dismissed without prejudice 60 days following the date of the notice or 30 days thereafter in general equity cases unless, within said period, action specified in subsection (c) is taken. If no such action is taken, the court shall enter an order of dismissal without prejudice as to any named defendant and shall furnish the plaintiff with a copy thereof. After dismissal, reinstatement of an action against a single defendant may be permitted on submission of a consent order vacating the dismissal and allowing the dismissed defendant to file an answer, provided the proposed consent order is accompanied by the answer for filing, a case information statement, and the requisite fee. If the defendant has been properly served but declines to execute a consent order, plaintiff shall move on good cause shown for vacation of the dismissal.”

10. R. 1:13-7 provides a motion for reinstatement will be granted only once the requisite documentation is submitted and Plaintiff must demonstrate exceptional circumstances. In granting reinstatement, the Plaintiff's freedom from fault and the absence of prejudice to the Defendant are key factors to be considered. See Ghandi v. Cespedes, 390 N.J.Super. 193 (App. Div. 2007).

11. Plaintiff has failed to provide either good cause or exceptional circumstances for his failure to prosecute the action or explain the reasons for delay in serving the complaint. Plaintiff has given no reason for his failure to serve Defendants until August 16, 2016, more than a year after the Courts July 10, 2015 Order. Additionally, Plaintiff has failed to show exceptional circumstances for this late request. Plaintiff claims the FINRA arbitration panel disregarded the Court's Ruling by improperly denied leave to Plaintiff, however Plaintiff has not provided the Court with any documentation of the award being challenged.

12. Furthermore, no reasons have been provided for why Plaintiff waited another six months after the Appellate Division's February, 2016 decision in Sequeira II before serving FINRA and Wells Fargo. Additionally, Plaintiff has only served two of the Defendants,

FINRA and Wells Fargo, and has failed to assert that he encountered any difficulty in serving the parties or any other excuse.

13. Since Plaintiff has failed to make a proper motion to reinstate, this case remains closed.

14. For the aforementioned reasons, Plaintiff's motion is **DENIED**.

A handwritten signature in black ink, appearing to read "Dennis R. O'Brien", written over a horizontal line.

DENNIS R. O'BRIEN, J.S.C.

# **APPENDIX D**


**COURTS PUBLIC ACCESS**

ACMS Public Access: Case Document List

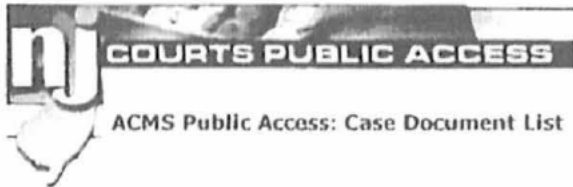
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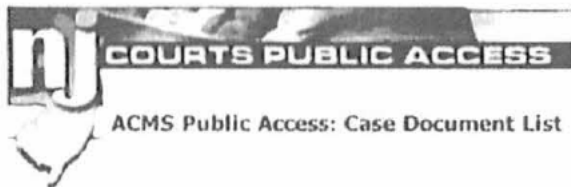


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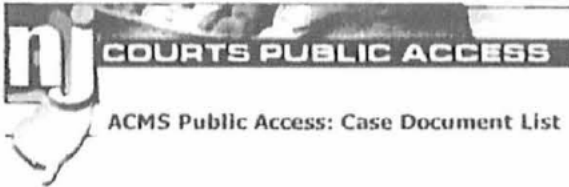


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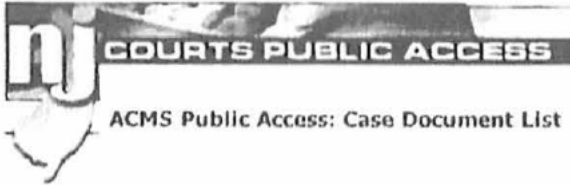


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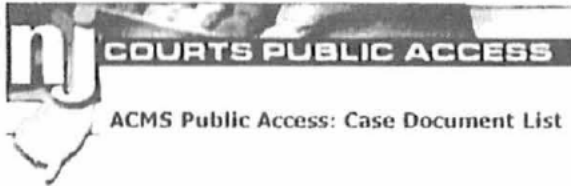


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Page: 8

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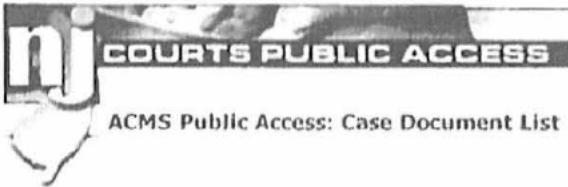
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	02	07	2012	094	OBJECT MOTION		WACHOVIA SEC	FISHER & PHI			Y
	02	14	2012	095	MISC BRIEF		SEQUEIRA	PRO SE			N
	02	17	2012	096	ORDR RECONSIDER		SEQUEIRA	PRO SE			N DN
	06	25	2012	097	ORDR MISC		COURT INIT				N GR
	08	15	2012	098	ORDR MISC		COURT INIT				N GR
	05	02	2016	100	MOTN VCT ORDR		SEQUEIRA	PRO SE			N DN
	05	05	2016	099	BACK FROM AMIS		COURT INIT				N
	05	19	2016	101	OBJECT MOTION		WACHOVIA SEC	FISHER & PHI			Y

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Session ID: EXBTH2 Case Count: 1



Page: 11

END OF LIST

VENUE : MONMOUTH COURT : LAW CVL DOCKET #: L 000179 08  
 CASE TITLE : SEQUEIRA V PRUDENTIAL EQUITY GROUP LLC ET ALS

SEL	DATE FILED			DOC NUM	DOCUMENT TYPE	NON CONF	FILING/TARGET PARTY NAME	ATTORNEY NAME		MUL PTY	DOC STA
	05	19	2016	102	OBJECT MOTION		PRUDENTIAL E	MORGAN	LEWIS	Y	
	05	25	2016	103	MISC BRIEF		SEQUEIRA	PRO SE		N	
	09	02	2016	104	ORDR VCT ORDR		SEQUEIRA	PRO SE		N	DN

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 Session ID: EXBTH2 Case Count: 1



## ACMS Public Access: Case Disposition Detail

Page: 1

MORE ...

VENUE : MONMOUTH		COURT : LAW CVL		DOCKET # : L 000179 08	
CASE TITLE : SEQUEIRA V PRUDENTIAL EQUITY GROUP LLC ET ALS					
SE DISP : DISM W/PR		DISP DATE: 08 26 2010		CASE STATUS: CLOSED	
PTY NO	PARTY NAME	PTY TYPE	PTY STATUS	DISP DATE	
001	SEQUEIRA KEITH	PF	DISM W/PRE	08 26	2010
002	PRUDENTIAL EQUITY GR OUP LLC	DF	DISM W/PRE	09 02	2016
003	PRUDENTIAL REAL ESTA TE AFFILI A	DF	DISM W/PRE	09 02	2016
004	HORTON III RICHARD	DF	DISM W/PRE	09 02	2016
007	WACHOVIA SECURITIES LLC	DF	DISM W/PRE	08 26	2010
008	GOECKELER WILLIAM H	DF	DISM W/PRE	08 26	2010
009	HAK LAURA	DF	DISM W/PRE	08 26	2010
010	DALY THOMAS F	DF	DISM W/PRE	08 26	2010
011	BEGLEY BRIAN	DF	DISM W/PRE	08 26	2010
012	SHAFFER DEBORAH	DF	DISM W/PRE	09 02	2016

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Page: 2

MORE ...

VENUE : MONMOUTH		COURT : LAW CVL		DOCKET # : L 000179 08	
CASE TITLE : SEQUEIRA V PRUDENTIAL EQUITY GROUP LLC ET ALS					
SE DISP : DISM W/PR		DISP DATE: 08 26 2010		CASE STATUS: CLOSED	
PTY NO	PARTY NAME	PTY TYPE	PTY STATUS	DISP DATE	
013	PARDUE	KENNETH	DF	DISM W/PRE	08 26 2010
014	MORRISSEY JR	ROBERT	E DF	DISM W/PRE	08 26 2010
015	MCQUEEN	ANTHONY	DF	DISM W/PRE	08 26 2010
016	MEYER	BRAND	DF	DISM W/PRE	08 26 2010
017	KOWACH	DAVID	J DF	DISM W/PRE	08 26 2010
018	LUDEMAN	DANIEL	DF	DISM W/PRE	08 26 2010
019	MONDAY	DAVID	DF	DISM W/PRE	08 26 2010
020	HAYS	JAMES	E DF	DISM W/PRE	08 26 2010
021	THOMPSON	E KENNEDY	DF	DISM W/PRE	08 26 2010
022	CARROLL	DAVID	DF	DISM W/PRE	08 26 2010

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Page: 3

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VENUE	: MONMOUTH	COURT	: LAW CVL	DOCKET #	: L 000179	08
CASE TITLE	: SEQUEIRA V PRUDENTIAL EQUITY GROUP LLC ET ALS					
SE DISP	: DISM W/PR	DISP DATE	: 08 26 2010	CASE STATUS	: CLOSED	
PTY NO	PARTY NAME		PTY TYPE	PTY STATUS	DISP DATE	
023	CARROLL	MICHAEL	J DF	DISM W/PRE	08 26	2010
024	CONNOLLY	MARGE	DF	DISM W/PRE	08 26	2010
025	RODDY	TERESA	DF	DISM W/PRE	08 26	2010
026	ABC ENTITIES OR CORP	1-B	DF	DISM W/PRE	08 26	2010
027	JOHN AND JANE DOES 1	-81	DF	DISM W/PRE	08 26	2010
028	PUZIO	JOHN	DF	DISM W/PRE	08 26	2010
029	CHIZMADIA	ROBERTA	DF	DISM W/O P	10 23	2009
030	PRUDENTIAL FINANCIAL	INC	DF	DISM W/O P	01 23	2009

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# **APPENDIX E**


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Page: 1

MORE ...

VENUE : MONMOUTH COURT : LAW CVL DOCKET #: L 000925 12 CASE TITLE : SEQUEIRA VS WELLS FARGO & CO ET AL										
SEL	DATE FILED		DOC NUM	DOCUMENT TYPE	NON CONF	FILING/TARGET PARTY NAME	ATTORNEY NAME	MUL PTY	DOC STA	
	02	28	2012	001	COMP JRY DEMAND		SEQUEIRA	PRO SE	N	
	09	18	2012	002	MOTN FL AMD CMP		SEQUEIRA	PRO SE	N	GR
	11	13	2012	004	ORDR FLAMD CMP		SEQUEIRA	PRO SE	N	GR
	01	11	2013	007	MOTN SUB SRVICE		SEQUEIRA	PRO SE	N	DN
	02	27	2013	008	ORDR SUB SRVICE		SEQUEIRA	PRO SE	N	DN
	03	01	2013	009	CRT INIT TO DSM		COURT INIT		N	GR
	03	18	2013	010	PET CERT		SEQUEIRA	PRO SE	N	
	03	25	2013	011	SUMMONS	01	DURSO	ATTY REQUIRE	N	
	03	27	2013	012	SUMMONS	01	ABC ENTITIES	ATTY REQUIRE	N	
	05	23	2013	013	ORDR MISC		SEQUEIRA	PRO SE	N	GR

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Page: 2

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VENUE : MONMOUTH COURT : LAW CVL DOCKET #: L 000925 12 CASE TITLE : SEQUEIRA VS WELLS FARGO & CO ET AL											
SEL	DATE FILED		DOC NUM	DOCUMENT TYPE	NON CONF	FILING/TARGET PARTY NAME	ATTORNEY NAME		MUL	DOC	
									PTY	STA	
	05	28	2013	014	COMP AMENDED		SEQUEIRA	PRO SE		N	
	06	17	2013	015	SUMMONS	01	MAMMOLITO	FISHER & PHI	N		
	06	17	2013	016	SUMMONS	01	WELLS FARGO	FISHER & PHI	N		
	06	20	2013	017	MOTN EXTND TIME		PRUDENTIAL F	MORGAN LEWIS	Y	WD	
	06	27	2013	018	MOTN DISM COMPL		PRUDENTIAL F	MORGAN LEWIS	Y	GR	
	06	28	2013	019	SUMMONS	01	GOECKELER	FISHER & PHI	N		
	07	08	2013	020	SUMMONS	01	PUZIO	FISHER & PHI	N		
	07	18	2013	021	MOTN DISM COMPL		WELLS FARGO	FISHER & PHI	N	GR	
	07	22	2013	022	MOTN DISM COMPL		GOECKELER	FISHER & PHI	Y	GR	
	07	22	2013	023	OBJECT MOTION		WELLS FARGO	FISHER & PHI	Y		

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Page: 3

MORE ...

VENUE : MONMOUTH COURT : LAW CVL DOCKET #: L 000925 12 CASE TITLE : SEQUEIRA VS WELLS FARGO & CO ET AL												
SEL	DATE FILED		DOC NUM	DOCUMENT TYPE	NON CONF	FILING/TARGET PARTY NAME		ATTORNEY NAME		MUL PTY	DOC STA	
	07	22	2013	024	MISC BRIEF		PRUDENTIAL	F	MORGAN	LEWIS	Y	
	07	29	2013	025	MOTN MISC		SEQUEIRA		PRO SE		N	DN
	09	18	2013	026	MOTN MISC		SEQUEIRA		PRO SE		N	DN
	09	27	2013	027	CRT INIT TO	DSM	COURT INIT				N	GR
	09	27	2013	028	CRT INIT TO	DSM	COURT INIT				N	GR
	09	27	2013	029	CRT INIT TO	DSM	COURT INIT				N	GR
	09	27	2013	030	CRT INIT TO	DSM	COURT INIT				N	GR
	09	27	2013	031	CRT INIT TO	DSM	COURT INIT				N	GR
	09	27	2013	032	CRT INIT TO	DSM	COURT INIT				N	GR
	09	27	2013	033	CRT INIT TO	DSM	COURT INIT				N	GR

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Page: 4

MORE ...

VENUE : MONMOUTH COURT : LAW CVL DOCKET #: L 000925 12  
 CASE TITLE : SEQUEIRA VS WELLS FARGO & CO ET AL

SEL	DATE FILED		DOC NUM	DOCUMENT TYPE			NON CONF	FILING/TARGET PARTY NAME		ATTORNEY NAME	MUL DOC PTY	DOC STA
	09	27	2013	034	CRT	INIT	TO	DSM	COURT	INIT	N	GR
	09	27	2013	035	CRT	INIT	TO	DSM	COURT	INIT	N	GR
	09	27	2013	036	CRT	INIT	TO	DSM	COURT	INIT	N	GR
	09	27	2013	037	CRT	INIT	TO	DSM	COURT	INIT	N	GR
	09	27	2013	038	CRT	INIT	TO	DSM	COURT	INIT	N	GR
	09	27	2013	039	CRT	INIT	TO	DSM	COURT	INIT	N	GR
	09	27	2013	040	CRT	INIT	TO	DSM	COURT	INIT	N	GR
	09	27	2013	041	CRT	INIT	TO	DSM	COURT	INIT	N	GR
	09	27	2013	042	CRT	INIT	TO	DSM	COURT	INIT	N	GR
	09	27	2013	043	CRT	INIT	TO	DSM	COURT	INIT	N	GR



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MORE ...

VENUE : MONMOUTH COURT : LAW CVL DOCKET #: L 000925 12 CASE TITLE : SEQUEIRA VS WELLS FARGO & CO ET AL										
SEL	DATE FILED		DOC NUM	DOCUMENT TYPE	NON CONF	FILING/TARGET PARTY NAME	ATTORNEY NAME			MUL DOC PTY STA
	09	27	2013	044	CRT INIT TO DSM	COURT INIT				N GR
	09	27	2013	045	CRT INIT TO DSM	COURT INIT				N GR
	10	03	2013	046	OBJECT MOTION	WELLS FARGO	FISHER	&	PHI	Y
	10	09	2013	047	MISC BRIEF	SEQUEIRA	PRO SE			N
	10	22	2013	048	MOT STAY PROCED	SEQUEIRA	PRO SE			N DN
	10	25	2013	049	CRT INIT TO DSM	COURT INIT				N GR
	10	28	2013	050	OBJECT MOTION	WELLS FARGO	FISHER	&	PHI	Y
	10	29	2013	051	ORD STAY PROCED	SEQUEIRA	PRO SE			N DN
	11	07	2013	052	MISC BRIEF	SEQUEIRA	PRO SE			N
	11	08	2013	056	ORDR DISM CML	WELLS FARGO	FISHER	&	PHI	N GR

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Page: 6

MORE ...

VENUE : MONMOUTH COURT : LAW CVL DOCKET #: L 000925 12 CASE TITLE : SEQUEIRA VS WELLS FARGO & CO ET AL										
SEL	DATE FILED		DOC NUM	DOCUMENT TYPE	NON CONF	FILING/TARGET PARTY NAME	ATTORNEY NAME		MUL DOC PTY	DOC STA
	11	13	2013	053	ORDR MISC	SEQUEIRA	PRO SE		N	DN
	11	13	2013	054	ORDR MISC	SEQUEIRA	PRO SE		N	DN
	11	13	2013	055	ORDR DISM Cmpl	PRUDENTIAL F	MORGAN	LEWIS	Y	GR
	11	13	2013	057	ORDR DISM Cmpl	GOECKELER	FISHER	& PHI	Y	GR
	12	13	2013	058	MOTN RECONSIDER	SEQUEIRA	PRO SE		N	DN
	12	19	2013	059	COMP AMENDED	SEQUEIRA	PRO SE		N	
	12	20	2013	060	CRT INIT TO DSM	COURT INIT			N	GR
	12	20	2013	061	CRT INIT TO DSM	COURT INIT			N	GR
	01	09	2014	062	OBJECT MOTION	PRUDENTIAL F	MORGAN	LEWIS	Y	
	01	09	2014	063	OBJECT MOTION	WELLS FARGO	FISHER	& PHI	Y	

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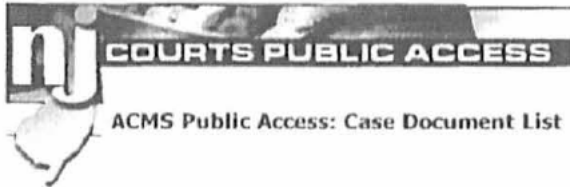
ACMS Public Access: Case Document List

Page: 7

MORE ...

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SEL	DATE FILED		DOC NUM	DOCUMENT TYPE	NON CONF	FILING/TARGET PARTY NAME	ATTORNEY NAME		MUL DOC	DOC
									PTY	STA
	01	15	2014	064	MOTN DISM COMPL	PRUDENTIAL F	MORGAN	LEWIS	Y	GR
	01	15	2014	065	MISC BRIEF	SEQUEIRA	PRO SE		N	
	01	28	2014	066	MOTN DISM COMPL	WELLS FARGO	FISHER	& PHI	Y	GR
	02	25	2014	067	MISC BRIEF	WELLS FARGO	FISHER	& PHI	Y	
	02	25	2014	068	OBJECT MOTION	SEQUEIRA	PRO SE		N	
	02	27	2014	069	MISC BRIEF	PRUDENTIAL F	MORGAN	LEWIS	Y	
	03	05	2014	070	ORDR RECONSIDER	SEQUEIRA	PRO SE		N	DN
	03	05	2014	071	ORDR DISM Cmpl	PRUDENTIAL F	MORGAN	LEWIS	Y	GR
	03	05	2014	072	ORDR DISM Cmpl	WELLS FARGO	FISHER	& PHI	Y	GR
	02	24	2016	073	BACK FROM AMIS	COURT INIT			N	

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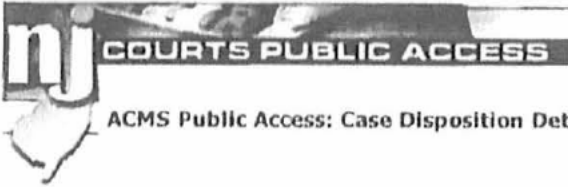


Page: 8

END OF LIST

VENUE : MONMOUTH COURT : LAW CVL DOCKET #: L 000925 12 CASE TITLE : SEQUEIRA VS WELLS FARGO & CO ET AL										
SEL	DATE FILED		DOC NUM	DOCUMENT TYPE	NON CONF	FILING/TARGET PARTY NAME	ATTORNEY NAME		MUL PTY	DOC STA
	02	24	2016	074	LETRR OPINION	COURT INIT			N	
	03	10	2016	075	ORDR DIS/SETTL	COURT INIT			N	GR
	05	02	2016	076	MOTN VCT ORDR	SEQUEIRA	PRO SE		N	DN
	05	19	2016	077	OBJECT MOTION	WELLS FARGO	FISHER & PHI		Y	
	05	19	2016	078	OBJECT MOTION	PRUDENTIAL F	MORGAN LEWIS		Y	
	05	25	2016	079	MISC BRIEF	SEQUEIRA	PRO SE		N	
	05	27	2016	080	ORDR VCT ORDR	SEQUEIRA	PRO SE		N	DN
	08	10	2016	081	MISC OTHER	SEQUEIRA	PRO SE		N	

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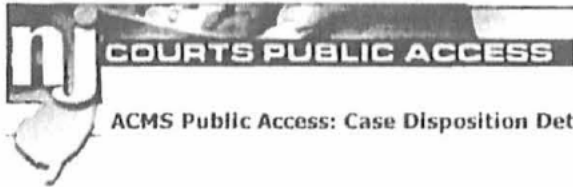
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Page: 1

MORE ...

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CASE TITLE : SEQUEIRA VS WELLS FARGO & CO ET AL					
SE DISP : DISM W/PR		DISP DATE: 03 10 2016		CASE STATUS: CLOSED	
PTY NO	PARTY NAME	PTY	PTY	DISP	DATE
		TYPE	STATUS		
001	SEQUEIRA KEITH	P PF	DISM W/PRE	03 10	2016
002	WELLS FARGO & CO	DF	DISM W/PRE	03 10	2016
003	ABC ENTITIES OR CORP 1-50	DF	DISM W/PRE	03 10	2016
004	JOHN AND JANE DOES 1 -50	DF	DISM W/PRE	03 10	2016
005	BEGLEY BRIAN	DF	DISM W/PRE	03 10	2016
006	CARROLL DAVID	DF	DISM W/PRE	03 10	2016
007	CARROLL MICHAEL	J DF	DISM W/PRE	03 10	2016
008	CONNOLLY MARGE	DF	DISM W/PRE	03 10	2016
009	DALY THOMAS	F DF	DISM W/PRE	03 10	2016
010	GOECKELER WILLIAM	H DF	DISM W/PRE	03 10	2016

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Page: 2

MORE ...

VENUE : MONMOUTH		COURT : LAW CVL		DOCKET # : L 000925 12	
CASE TITLE : SEQUEIRA VS WELLS FARGO & CO ET AL					
SE DISP : DISM W/PR		DISP DATE: 03 10 2016		CASE STATUS: CLOSED	
PTY NO	PARTY NAME	PTY TYPE	PTY STATUS	DISP DATE	
011	GUILDFORD	GLORIA	DF	DISM W/PRE	03 10 2016
012	HAYS	JAMES	E DF	DISM W/PRE	03 10 2016
013	KOWACH	DAVID	J DF	DISM W/PRE	03 10 2016
014	LINDHOLM	KATHERINE	DF	DISM W/PRE	03 10 2016
015	LUDEMAN	DANIEL	DF	DISM W/PRE	03 10 2016
016	MCQUEEN	ANTHONY	DF	DISM W/PRE	03 10 2016
017	MEYER	BRAND	DF	DISM W/PRE	03 10 2016
018	MONDAY	DAVID	DF	DISM W/PRE	03 10 2016
019	MORRISSEY JR	ROBERT	E DF	DISM W/PRE	03 10 2016
020	NASH	STEVE	DF	DISM W/PRE	03 10 2016

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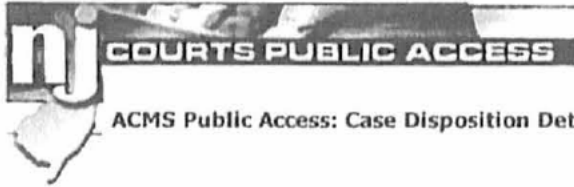


Page: 3

MORE ...

VENUE : MONMOUTH		COURT : LAW CVL		DOCKET # : L 000925 12	
CASE TITLE : SEQUEIRA VS WELLS FARGO & CO ET AL					
SE DISP : DISM W/PR		DISP DATE: 03 10 2016		CASE STATUS: CLOSED	
PTY	PARTY NAME		PTY	PTY	DISP
NO			TYPE	STATUS	DATE
021	OMAN	MARK	DF	DISM W/PRE	03 10 2016
022	PARDUE	KENNETH	DF	DISM W/PRE	03 10 2016
023	PUZIO	JOHN	DF	DISM W/PRE	03 10 2016
024	RODDY	TERESA	DF	DISM W/PRE	03 10 2016
025	WELLS FARGO ADVISORS	LLC	DF	DISM W/PRE	03 10 2016
027	DURSO	LAWRENCE	DF	DISM W/PRE	03 10 2016
028	MAMMOLITO	MICHAEL	DF	DISM W/PRE	03 10 2016
029	PRUDENTIAL FINANCIAL	INC	DF	DISM W/PRE	03 10 2016
030	PRUDENTIAL REAL ESTA	TE INC	DF	DISM W/PRE	03 10 2016
031	FORSMAN	DANIEL	T DF	DISM W/PRE	03 10 2016

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Page: 4

END OF LIST

VENUE : MONMOUTH COURT : LAW CVL DOCKET # : L 000925 12					
CASE TITLE : SEQUEIRA VS WELLS FARGO & CO ET AL					
SE DISP : DISM W/PR DISP DATE: 03 10 2016 CASE STATUS: CLOSED					
PTY	PARTY	NAME	PTY	PTY	DISP
NO			TYPE	STATUS	DATE
032	PARGAR LLC		DF	DISM W/PRE	03 10 2016

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