

**BEFORE THE
SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C.**

In the Matter of the Application of

Richard Thomas Iannacone

File No. 3-20621

**FINRA’S UNOPPOSED MOTION TO STAY
THE SUPPLEMENTAL BRIEFING SCHEDULE**

FINRA respectfully requests, pursuant to Commission Rule of Practice 161, that the Commission stay the supplemental briefing schedule issued in the above referenced appeal. *See* 17 C.F.R. § 201.161. In support of its motion, FINRA states:

1. On October 7, 2021, Richard Thomas Iannacone submitted an application for review to the Commission, seeking review of FINRA’s September 28, 2021 determination to deny his request for access to FINRA’s arbitration forum to pursue an expungement claim. RP¹ 25, 27-29.

2. On October 21, 2021, FINRA filed an unopposed Motion to Consolidate and Postpone Briefing in this matter. FINRA’s motion sought to consolidate the present appeal with the *Consol. Arb. Applications*, Exchange Act Release No. 89495, 2020 SEC LEXIS 3312 (Aug. 6, 2020).

3. On November 9, 2021, the Commission issued an order for supplemental briefing in this matter. The Commission directed the parties to address whether consolidation is

¹ “RP ____” refers to the page number in the certified record filed on October 21, 2021.

appropriate due to an “apparent factual difference between [Iannacone’s] statement of claim [] and those in the *Consolidated Arbitration Applications*”—namely, the fact that Iannacone’s statement of claim referred to the disclosure he sought to expunge as a settlement, while the *Consolidated Arbitration Applications* concerned attempts to expunge prior adverse customer arbitration awards.

4. On November 17, 2021, Iannacone submitted an amended application for review in this matter. In his amended application, Iannacone clarifies that his statement of claim erroneously referred to the disclosure he seeks to expunge as a settlement, and that the disclosure is properly reported as an arbitration award. Accordingly, Iannacone requests that the Commission “move forward with [c]onsolidation.”

5. FINRA agrees that Iannacone’s expungement request concerns the disclosure of a customer dispute that was arbitrated to a final award in the customer’s favor. RP 1-5, 52, 54 (customer award and its disclosure in CRD). Accordingly, FINRA agrees that consolidation is appropriate because this case, like the *Consolidated Arbitration Applications*, concerns a request to expunge a prior adverse customer arbitration award.

6. In light of Iannacone’s amended application for review—and the parties’ agreement that the relevant expungement request concerns an arbitration award—it appears that the supplemental briefing requested by the Commission may no longer be needed.

7. Accordingly, FINRA respectfully requests that the Commission stay the supplemental briefing schedule until such time as it can evaluate consolidation in light of the amended application for review. The parties’ briefs are due on November 22, 2021.

8. Counsel for Iannacone has advised that he does not oppose this request.

Respectfully submitted,

/s/ Ashley Martin

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November 18, 2021

CERTIFICATE OF SERVICE

I, Ashley Martin, certify that on this 18th day of November 2021, I caused a copy of the foregoing Unopposed Motion to Stay the Supplemental Briefing Schedule, in the Matter of the Application of Richard Thomas Iannacone, Administrative Proceeding File No. 3-20621, to be filed through the SEC's eFAP system on:

Vanessa Countryman, Secretary
Securities and Exchange Commission
100 F Street, NE
Washington, DC 20549-1090

and served by electronic mail on:

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CERTIFICATE OF COMPLIANCE

I, Ashley Martin, certify that this motion complies with the Commission's Rules of Practice because it omits or redacts any sensitive personal information described in Rule of Practice 151(e).

I, Ashley Martin, further certify that this motion complies with the Commission's Rules of Practice because it does not exceed 7,000 words. I have relied on the word count feature of Microsoft Word in verifying that this motion contains 480 words.

/s/ Ashley Martin _____

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