

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

In the Matter of the Application of

Paul Richard Aquitania

For Review of Action Taken by FINRA

Admin. Proc. No. 3-20793

**FINRA’S MOTION TO DISMISS PAUL RICHARD AQUITANIA’S APPLICATION
FOR REVIEW AND TO STAY THE BRIEFING SCHEDULE**

On March 8, 2022, Paul Richard Aquitania filed an application for review of action taken against him by the Financial Industry Regulatory Authority (“FINRA”). RP 869. Aquitania, a FINRA member brokerage customer, filed a claim in FINRA’s arbitration forum regarding a dispute about whether his account at the FINRA member had become overdrawn. In response to Aquitania’s Amended Statement of Claim dated January 6, 2022, the Director of FINRA Dispute Resolution Services (“DRS”) denied Aquitania’s claims as ineligible for arbitration. Aquitania appealed that determination.

On July 12, 2022, DRS notified Aquitania by letter that it had “prematurely determined that Claimant’s claims were ineligible for arbitration” and that it had been re-opened the matter so Aquitania may proceed with his claims in the forum. See Exhibit 1 (Letter from N. Sassounian to P. Aquitania et al. dated July 12, 2022). The letter further advised Aquitania that any deficiencies in his Amended Statement of Claim dated January 6, 2022, must be cured, and a new deficiency notice with a deadline to cure would be issued separately. *See id.*; *see also* Exhibit 2 (Letter from C. Abuan to P. Aquitania dated July 12, 2022).

In light of the foregoing, Aquitania's application for review is moot and, accordingly, FINRA requests that the Commission dismiss it. *See e.g., Marshall Financial II*, 2004 SEC LEXIS 2035, at *16 (dismissing an application for review where "there was no suspension imposed on Marshall, so there is no suspension that [the Commission] can lift:); *Kirk A. Knapp*, 49 S.E.C. 994, 995 (1988) (dismissing an appeal of FINRA's SEC LEXIS 3610 (Oct. 14, 2011) (dismissing an application for review of action because the issue of the applicant's proposed association with the firm had become moot as a result of cancellation of the firm's membership). FINRA also requests that the Commission stay briefing in this matter pending resolution of this motion to dismiss.¹

Respectfully submitted,

/s/ Megan Rauch
Megan Rauch
Associate General Counsel
FINRA
1735 K Street, N.W.
Washington, D.C. 20006
(202) 728-8863
megan.rauch@finra.org
nac.casefilings@finra.org

July 26, 2022

¹ On July 20, 2022, counsel for FINRA via voicemail advised Aquitania that, as a result of DRS's July 12, 2022, letter, Aquitania's application for review was moot and inquired about the potential withdrawal of the application for review by Aquitania. Having received no response from Aquitania, counsel for FINRA via email advised Aquitania that FINRA planned to file a motion to dismiss his application for review as moot and sought Aquitania's consent. Aquitania did not respond.

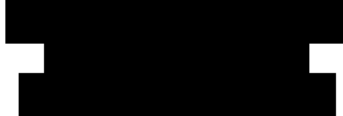
CERTIFICATE OF SERVICE

I, Megan Rauch, certify that on this 26th day of July 2022, I caused a copy of the foregoing Motion to Dismiss Paul Richard Aquitania's Application for Review and to Stay the Briefing Schedule, In the Matter of the Application of Paul Richard Aquitania, Administrative Proceeding File No. 3-20793, 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:

Paul Richard Aquitania



/s/ Megan Rauch
Megan Rauch
Associate General Counsel
FINRA
1735 K Street, NW
Washington, DC 20006
(202) 728-8863
megan.rauch@finra.org
nac.casefilings@finra.org

CERTIFICATE OF COMPLIANCE

I, Megan Rauch, 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).

/s/ Megan Rauch
Megan Rauch
Associate General Counsel
FINRA
1735 K Street, NW
Washington, DC 20006
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megan.rauch@finra.org
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**FINRA'S INDEX OF EXHIBITS TO MOTION TO DISMISS
PAUL RICHARD AQUITANIA'S APPLICATION FOR REVIEW AND
TO STAY THE BRIEFING SCHEDULE**

EXHIBIT	Description
1	Letter from N. Sassounian to P. Aquitania et al. dated July 12, 2022
2	Letter from C. Abuan to P. Aquitania dated July 12, 2022

EXHIBIT 1



TO: Paul Richard Aquitania
Andre L. Green
Ceren Unal

From: Nora Sassounian
Case Administrator

Subject: FINRA Dispute Resolution Services Arbitration Number 21-02924
Paul Richard Aquitania vs. Merrill Lynch Pierce Fenner & Smith Inc., Paul Vincent Austin, Andre L. Green, Andre Dupre, et al.

Date: July 12, 2022

Upon further review of the case file, our office has found that we prematurely determined that Claimant's claims were ineligible for arbitration. Accordingly, the case will be re-opened so that Claimant may continue to proceed with his claims. Please be advised that any deficiencies to the Amended Statement of Claim, dated January 6, 2022, must be cured. A new deficiency notice with a deadline to cure any deficiencies will be issued via the DR Portal separately.

If you have any questions, please do not hesitate to contact me at 213-229-2332 or by email at Nora.Sassounian@finra.org.

NS3:ns3:LC53A
idr: 02/18/2020

RECIPIENTS:

Paul Richard Aquitania, [REDACTED]
On Behalf Of: Paul Richard Aquitania

Andre L. Green, [REDACTED]
On Behalf Of: Andre L. Green

Ceren Unal, Norton Rose Fulbright US LLP, 2200 Ross Avenue, Suite 3600, Dallas, TX 75201-7932
On Behalf Of: Merrill Lynch Pierce Fenner & Smith Inc.; Andre Dupre; Andrew Rodriguez

EXHIBIT 2



TO: Paul Richard Aquitania

CC: Andre L. Green
Ceren Unal

From: Cheryl S Abuan
Senior Case Specialist

Subject: FINRA Dispute Resolution Services Arbitration Number 21-02924
Paul Richard Aquitania vs. Merrill Lynch Pierce Fenner & Smith Inc., Paul Vincent Austin, Andre L. Green, Andre Dupre, et al.

Date: July 12, 2022

Please file a newly amended statement of claim, which clarifies how your claim meets Rule 12200 of the Code of Arbitration Procedure. That rule states that parties must arbitrate a dispute if requested by a customer, and the dispute is between the customer and member or associated person, and arises in connection with the business activities of the member or associated person.

You have 30 days to submit the requested information.

If you have any questions, please do not hesitate to contact me at 213-613-2664 or by email at Cheryl.Abuan@finra.org.

CSA:csa:LC53A
idr: 02/18/2020

RECIPIENTS:

Paul Richard Aquitania, [REDACTED]
On Behalf Of: Paul Richard Aquitania

CC:

Andre L. Green, [REDACTED]
On Behalf Of: Andre L. Green

Ceren Unal, Norton Rose Fulbright US LLP, 2200 Ross Avenue, Suite 3600, Dallas, TX 75201-7932
On Behalf Of: Merrill Lynch Pierce Fenner & Smith Inc.; Andre Dupre; Andrew Rodriguez