

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

In the Matter of the Application of

Rebecca Joann Duval

For Review of Action Taken By

FINRA

File No. 3-22666

**FINRA'S MOTION TO DISMISS THE APPLICATION FOR REVIEW AND
RESPONSE TO DUVAL'S MOTION TO VACATE THE BRIEFING SCHEDULE**

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TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	BACKGROUND	3
A.	FINRA’s Use of Rule 9554 Proceedings to Promote the Payment of Arbitration Awards Issued in Its Forum	3
B.	The Applicant.....	4
C.	Duval Wins an Arbitration Award Against Bluefin in FINRA’s Forum	4
D.	Bluefin Pursues State Court Proceedings to Vacate the Award	5
E.	FINRA Responds to Duval’s Requests that It Initiate a Rule 9554 Proceeding Against Bluefin	5
F.	Duval Files the Present Application for Review and the Commission Orders Briefing	7
III.	ARGUMENT	8
A.	FINRA Did Not Prohibit or Limit Duval’s Access to a Service it Offers	8
1.	Duval Fails to Identify a Relevant Service FINRA Offers	9
2.	Even If Duval Identified a Service for Jurisdictional Purposes, She Has Not Shown She Has Been Denied that Service.....	11
B.	Duval’s Arguments to the Contrary Lack Merit	13
C.	Duval Identifies No Other Basis for Jurisdiction, and None Applies	15
D.	The Commission Should Extend the Briefing Schedule.....	16
IV.	CONCLUSION.....	18

TABLE OF AUTHORITIES

PAGE(S)

FEDERAL DECISIONS

See Chrysler Motors Corp. v. Int’l Union, Allied Indus. Workers,17
909 F.2d 248 (7th Cir. 1990)

Schellenbach v. SEC, 989 F.2d 907 (7th Cir. 1993)4, 10, 11

COMMISSION DECISIONS AND RELEASES

Daniel Joseph Avant, 52 S.E.C. 442 (1995)4, 10

Nicholas T. Avello, 55 S.E.C. 1197 (2002)11, 13

Bloomberg, L.P., Exchange Act Release No. 83755,17
2018 SEC LEXIS 1911 (July 31, 2018)

Constantine Gus Cristo, Exchange Act Release No. 86018, 10-11, 13, 14, 15
2019 SEC LEXIS 1284 (June 3, 2019)

Michael Andrew DeMaria, Exchange Act Release No. 97511,9, 10, 11, 14
2023 SEC LEXIS 1271 (May 16, 2023)

Michael Albert DiPietro, Exchange Act Release No. 77398,10, 11, 14, 15
2016 SEC LEXIS 1036 (Mar. 17, 2016)

Dolphin and Bradbury, Inc., Exchange Act Release No. 54143,10
2006 SEC LEXIS 1592 (July 13, 2006)

David Kristian Evansen, Exchange Act Release No. 75531,11
2015 SEC LEXIS 3080 (July 27, 2015)

Jonathan Edward Graham, Exchange Act Release No. 89237,13, 14
2020 SEC LEXIS 2670 (July 7, 2020)

Joseph Gordon Nelson, Exchange Act Release No. 105152,16
2026 SEC LEXIS 929 (Apr. 6, 2006)

Russell A. Simpson, 53 S.E.C. 1042 (1998)11, 12, 13

Stix & Co., Inc., 46 S.E.C. 578 (1976)3

Eric David Wanger, Exchange Act Release No. 79008,9, 12
2016 SEC LEXIS 3770 (Sep. 30, 2016)

WD Clearing, LLC, Investment Company Act Release No. 75868,.....8, 12, 16
2015 SEC LEXIS 3699 (Sep. 9, 2015)

FEDERAL STATUTES AND CODES

15 U.S.C. § 78s(d)(1)-(2)8

17 C.F.R. § 201.1612

17 C.F.R. § 201.161(b)16

FINRA DECISIONS

Dep’t of Enf’t v. Barrows, Expedited Proceeding Nos. ARB250005 & ARB250007,.....15
2025 FINRA Discip. LEXIS 10 (FINRA Hearing Panel May 7, 2025)

FINRA BY-LAWS, RULES, AND NOTICES

FINRA By-Laws of the Corporation, Art. VI, Sec. 3(b) 3, *passim*

FINRA Rule 9554 3, *passim*

FINRA Rule 9554(a)4, 12

FINRA Rule 9554(e)14

FINRA Rules 9554(e)-(g)4

FINRA Rules 13200-023

NASD Notice to Members 00-55, 2000 NASD LEXIS 63 (Aug. 2000)14

STATE COURT DECISIONS

Adjartey v. Cent. Div. of the Hous. Ct. Dep’t,5
481 Mass. 830 (Mass. 2019)

MISCELLANEOUS

FINRA, <i>Discussion Paper—FINRA Perspective on Customer Recovery</i> 10-11 (Feb. 8, 2018), https://www.finra.org/sites/default/files/finra_perspectives_on_customer_recovery.pdf	
Massachusetts Rules of Civil Procedure, Mass R. Civ. P. 62(d).....	5, 14

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I. INTRODUCTION

This matter stems from an arbitration proceeding in FINRA’s forum between the applicant, Rebecca Duval (“Duval”), and her former firm, Bluefin Research Partners, Inc. (“Bluefin”). A FINRA arbitration panel entered an award directing Bluefin to pay Duval compensatory damages and costs, and Bluefin moved to vacate the award in state court. The court entered a judgment denying Bluefin’s motion and confirming the award, and the firm appealed—which, under state law, had the effect of staying automatically the execution of the lower court’s judgment.

Duval asked FINRA to institute an expedited proceeding against Bluefin for its failure to comply with the award, notwithstanding the stay. FINRA responded to Duval’s requests, explaining that it will not institute such a proceeding at this time because a stay is in place, but that it will commence such a proceeding when the stay no longer applies. Dissatisfied with

FINRA's responses, Duval filed the present application seeking from the Commission an order compelling FINRA to immediately suspend Bluefin or seek its suspension in an expedited proceeding.

The Commission must dismiss Duval's application, as none of the four grounds for jurisdiction in Section 19(d) of the Securities Exchange Act of 1934 ("Exchange Act") applies. Duval cites one of these grounds—a prohibition or limitation on access to services offered by a self-regulatory organization ("SRO")—as the jurisdictional basis for her application. Critically, however, she has failed to identify a relevant service FINRA offers. And, even if Duval did identify such a service, she has not shown that she was prohibited or limited in accessing that service. Having failed to make these essential showings, Duval has not demonstrated that this ground for jurisdiction applies.

Indeed, at its core, Duval's application asks the Commission to review FINRA's discretionary determination as to whether, and when, it will pursue a regulatory action against a member. Dismissal is consistent with Commission precedent holding that similar determinations did not implicate a "service" under Section 19(d), as well as its precedent explaining that it generally lacks authority to review an exercise of FINRA's prosecutorial discretion.

Duval identifies no other basis for the Commission's jurisdiction, and the three remaining grounds for jurisdiction plainly do not apply. FINRA has not imposed a final disciplinary sanction against Duval or barred her from associating with a FINRA member in any capacity. Moreover, her application does not involve a denial of, or a restriction on, a firm's membership. Accordingly, the Commission should dismiss the application.

Pursuant to Commission Rule of Practice 161, FINRA also requests that the Commission extend the briefing schedule pending its ruling on the motion. *See* 17 C.F.R. § 201.161. The

Commission should evaluate first FINRA’s dispositive arguments that Duval’s application for review should be dismissed because the Commission does not have jurisdiction to consider it under Section 19(d) of the Exchange Act. Because the extension FINRA seeks will allow the Commission to rule on this motion, FINRA opposes Duval’s request to vacate the briefing schedule as unnecessary. Moreover, the Commission should reject the specific arguments Duval raises in favor of vacating the briefing schedule because they rest on the mistaken premise that the Commission has jurisdiction to order the relief she seeks—which it does not.

II. BACKGROUND

A. FINRA’s Use of Rule 9554 Proceedings to Promote the Payment of Arbitration Awards Issued in Its Forum

FINRA provides an arbitration forum for the resolution of certain disputes, including certain disputes between or among its members and their associated persons. FINRA Rules 13200-02. To promote the efficacy of the forum, FINRA’s By-Laws and rules permit it to pursue disciplinary action against a member or associated person who fails to either comply with an arbitration award or timely seek to vacate the award under applicable law. *Stix & Co., Inc.*, 46 S.E.C. 578, 580 (1976). Specifically, FINRA’s By-Laws provide:

[A]fter 15 days notice in writing, [it] may suspend or cancel the membership of any member or suspend from association with any member any person, for failure to comply with an award of arbitrators properly rendered pursuant to [FINRA] 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 By-Laws of the Corporation, Art. VI, Sec. 3(b).

FINRA Rule 9554 provides the procedure by which FINRA may seek, on an expedited basis, sanctions for a member’s or associated person’s failure to comply with an arbitration award. To address such a failure by a member or associated person, the rule provides that

FINRA “may provide written notice to such member or person stating that the failure to comply within 21 days of service of the notice will result in a suspension or cancellation of membership or a suspension from associating with any member.” FINRA Rule 9554(a). The contents of such a notice shall explain, among other things, “what the respondent must do to avoid such action.” FINRA Rule 9554(c). A member or associated person served with such a notice may request a hearing to assert “any and all defenses” to the action, and may request termination of any suspension imposed under the rule on grounds of full compliance. FINRA Rules 9554(e)-(g).

As in all its disciplinary matters, FINRA exercises prosecutorial discretion to determine whether it will commence a proceeding under Rule 9554. *Daniel Joseph Avant*, 52 S.E.C. 442, 444-45 (1995) (FINRA “has prosecutorial discretion to bring proceedings relating to the timely payment of arbitration awards”); *Schellenbach v. SEC*, 989 F.2d 907, 912 (7th Cir. 1993) (FINRA’s “disciplinary proceedings are treated as an exercise of prosecutorial discretion” and, accordingly, “are given wide latitude”).

B. The Applicant

Duval entered the securities industry in 2012, when she associated with Bluefin, a FINRA member, as a general securities representative and a research analyst. RP 373. Her registrations terminated after her employment with Bluefin ended in March 2024, and she is not currently associated with a FINRA member. *Id.*

C. Duval Wins an Arbitration Award Against Bluefin in FINRA’s Forum

On November 21, 2025, a FINRA arbitration panel entered an award resolving an employment-related dispute between Duval and Bluefin (“Award”). RP 1-9. As relevant here,

the Award found Bluefin liable to Duval for \$186,000 in compensatory damages and \$34,906.99 in costs and directed Bluefin to pay these amounts to Duval. RP 5.

D. Bluefin Pursues State Court Proceedings to Vacate the Award

In December 2025, Bluefin moved to vacate the Award in Massachusetts state court. RP 11-19. On June 10, 2026, the court entered an order denying Bluefin’s motion and confirming the Award (“Confirmation Order”). RP 21, 23-44. Bluefin timely filed a notice of appeal on June 16, 2026, which, pursuant to Massachusetts law, stayed automatically the execution of the judgment during the pendency of the appeal. RP 45-47; Mass. R. Civ. P. 62(d).¹

E. FINRA Responds to Duval’s Requests that It Initiate a Rule 9554 Proceeding Against Bluefin

Between June 10 and June 30, 2026, FINRA corresponded by email with Duval, Duval’s counsel, and Bluefin’s counsel concerning the state court’s order confirming the Award. RP 49-63. In these emails, Duval urged FINRA to commence a suspension proceeding against Bluefin because the firm did not pay the Award following the Confirmation Order.² RP 49-52, 55-63, 69-80. Bluefin objected to the commencement of a suspension proceeding because it had appealed the Confirmation Order, which stayed the execution of that order. RP 56-60, 65-67 (citing Mass. R. Civ. P. 62(a) & (d)). FINRA advised counsel that the matter was under review and requested documentation of any judicial stay. RP 54-55.

¹ *Adjarkey v. Cent. Div. of the Hous. Ct. Dep’t*, 481 Mass. 830, 835-36 (Mass. 2019) (noting that, under Mass. R. Civ. P. 62(d), an appeal generally stays execution upon the judgment).

² While Duval’s counsel sent some of this correspondence, Duval also sent some of these emails without the aid of counsel.

FINRA responded to Duval and Bluefin in a July 1, 2026 letter. RP 86-87. In the letter, FINRA advised that it would not initiate an expedited proceeding against Bluefin under Rule 9554 while its appeal from the state court's judgment was pending, as Bluefin's notice of appeal automatically had stayed enforcement of the Confirmation Order pursuant to Massachusetts state law. RP 86. FINRA further advised that "[i]f the appeal is denied and Bluefin does not comply with the award, FINRA will initiate a Rule 9554 expedited proceeding." *Id.* FINRA also explained that "[y]ou may expedite that process by providing a copy of the court order at that time," and also that "FINRA will periodically review the status of the appeal." *Id.*

On July 15, 2026, Duval's counsel emailed FINRA to request further information and again urge it to initiate a Rule 9554 proceeding against Bluefin. RP 99. On July 21, 2026, FINRA responded by letter addressed to Duval's and Bluefin's counsel. RP 107. The letter explained that, when determining whether to initiate an expedited proceeding for a failure to comply with an arbitration award, FINRA "considers the status of [any] motion to vacate in [] applicable judicial proceedings," including "whether a denial of the motion is considered final." RP 107. In this respect, the letter stated:

FINRA staff's view and corresponding policy is that proceedings to vacate an arbitration award are not complete or final when an order or judgment confirming the award is not yet enforceable against an appellant by reason of a stay under state or federal law. FINRA staff's view and policy avoids a potential anomaly, and fundamentally unfair situation for an appellant, where execution on a judgment is judicially stayed but a member or associated person must either pay the award or be suspended in derogation of the stay.

RP 107. Accordingly, the letter explained that FINRA will not initiate a Rule 9554 proceeding against Bluefin while the stay of the state court's judgment is in effect, and that it will initiate

such a proceeding should Bluefin fail to comply with the Award after the stay is lifted or its appeal is denied.³ RP 107-08.

F. Duval Files the Present Application for Review and the Commission Orders Briefing

Proceeding *pro se*, Duval filed an August 3, 2026 application for review. RP 257. In her application, Duval asks the Commission to issue an order compelling FINRA to suspend Bluefin under Rule 9554 and FINRA By-Laws for its failure to comply with the Award. RP 258-59 (citing FINRA By-Laws of the Corporation, Art. VI, Sec. 3(b)).

On August 31, 2026, the Commission entered a briefing order directing the parties to address, in relevant part, whether it has jurisdiction over this application.⁴ Duval promptly filed a motion and brief urging the Commission to vacate the briefing schedule and instead enter a summary order compelling FINRA to either suspend Bluefin or initiate a suspension proceeding against it. Applicant's Emergency Motion for Reconsideration, to Vacate the Briefing Schedule, and Brief Response to the Commission's Inquiry, (hereafter, "Emergency Motion"), unnumbered at 1-4. On September 1, 2026, the Commission ordered FINRA to file a response to Duval's Emergency Motion by September 8. On the same day, Duval filed a brief opposing the September 1 order. Applicant's Brief in Opposition to Further Briefing Delays and Emergency Demand for an Immediate Interim Order (hereafter, "Opposition to Further Briefing"), unnumbered at 1-3.

³ On July 28, 2026 and August 3, 2026, Duval sent FINRA additional emails urging it to suspend Bluefin under Rule 9554. RP 109-10, 183. She sent these emails without the aid of counsel.

⁴ Specifically, the Commission directed the parties to address whether there is a basis for it to exercise jurisdiction under Section 19(d) of the Exchange Act, including "whether FINRA's decision denied or limited Duval's access to a service that FINRA offers, and what exactly is that service." Aug. 31, 2026 Briefing Order, at 1-2.

III. ARGUMENT

The Commission should dismiss Duval’s application because it lacks jurisdiction to consider it. The scope of the Commission’s jurisdiction to review FINRA’s actions is established by Section 19(d) of the Exchange Act, which authorizes the Commission to review a FINRA action only if that action: (1) imposes a final disciplinary sanction on a member or an associated person of a member; (2) denies membership or participation to any applicant; (3) prohibits or limits any person in respect to access to services offered by such organization or member thereof; or (4) bars any person from becoming associated with a member. 15 U.S.C. § 78s(d)(1)-(2); *WD Clearing, LLC*, Investment Company Act Release No. 75868, 2015 SEC LEXIS 3699, at *10 (Sep. 9, 2015) “[T]here must be a statutory basis for us to exercise jurisdiction.”). No such action is at issue here and, accordingly, the Commission must dismiss the application.

Because the Commission lacks jurisdiction and the present motion is dispositive, the Commission should extend the briefing schedule pending its ruling on the motion. The Commission should reject the arguments Duval raises in favor of vacatur of the briefing schedule because they lack merit. Those arguments rest on the mistaken premise that the Commission has jurisdiction to review FINRA’s decision to not yet commence suspension proceedings against Duval’s former employer and the authority to order the relief Duval seeks—which it does not.

A. FINRA Did Not Prohibit or Limit Duval’s Access to a Service it Offers

Duval asks the Commission to compel FINRA to immediately suspend Bluefin or seek its suspension under Rule 9554. RP 258-59; Emergency Motion, unnumbered at 3. In her view, the Commission has jurisdiction to do so because FINRA’s failure to initiate such a proceeding to date has denied her “access to mandatory regulatory enforcement services.” RP 259.

For purposes of jurisdiction, a denial of access must “involve[] a denial or limitation of the applicant’s ability to utilize” a “fundamentally important service[] offered” by the SRO. *Eric David Wanger*, Exchange Act Release No. 79008, 2016 SEC LEXIS 3770, at *15 (Sep. 30, 2016). Here, Duval fails to identify a relevant service FINRA offers—let alone establish that such a service is “fundamentally important.” *See id.* And, even if Duval identified a “service” for jurisdictional purposes (which she does not), she has not shown that she was denied that service. Accordingly, this ground for jurisdiction does not apply.

1. Duval Fails to Identify a Relevant Service FINRA Offers

As the party asserting the Commission’s authority to review a purported denial or limitation of access to a service, Duval first must establish that FINRA offers the particular service she faults it for failing to provide. *Michael Andrew DeMaria*, Exchange Act Release No. 97511, 2023 SEC LEXIS 1271, at *7 (Feb. 9, 2021). She fails to make this essential showing. In her application, Duval describes the service she seeks as the “execut[ion] of [FINRA’s] mandatory, ministerial duty to issue a Notice of Suspension” under Rule 9554 and its By-Laws.⁵ RP 258 (citing FINRA By-Laws of the Corporation, Art. VI, Sec. 3(b)). But FINRA has no such duty and offers no such service.

FINRA does not perform a “mandatory” or “ministerial” function to suspend members or associated persons for a failure to comply with an arbitration award. Rather, FINRA exercises prosecutorial discretion to determine whether it will seek such a sanction for non-compliance,

⁵ In her Emergency Motion and Opposition to Further Briefing, Duval describes the same purported service. *See* Emergency Motion, unnumbered at 2 (referring to a “mandatory” enforcement track and “automated expedited suspension” under Rule 9554 and the relevant By-Law); Opposition to Further Briefing, unnumbered at 2 (using the same terms to describe the purported service).

whether in an expedited proceeding under Rule 9554 or otherwise.⁶ *Avant*, 52 S.E.C. at 444-45; *Michael Albert DiPietro*, Exchange Act Release No. 77398, 2016 SEC LEXIS 1036, at *15 (Mar. 17, 2016) (addressing FINRA’s discretion under Rule 9554). FINRA’s discretion in this respect is broad and includes the latitude to determine it will not initiate such a proceeding. *See Avant*, 52 S.E.C. at 444-45; *Schellenbach*, 989 F.2d at 912; *cf. Dolphin and Bradbury, Inc.*, Exchange Act Release No. 54143, 2006 SEC LEXIS 1592, at *32 (July 13, 2006) (“A refusal to prosecute is a classic illustration of a decision committed to agency discretion”). This is reflected by the permissive language in the rule and relevant By-Law, which expressly provides that FINRA “may” institute such a proceeding—and not that it must do so. *See* FINRA By-Laws of the Corporation, Art. VI, Sec. 3(b) (FINRA “*may* suspend or cancel”) (emphasis added); FINRA Rule 9554 (FINRA “*may* provide written notice” of a suspension or cancellation) (emphasis added); *Avant*, 52 S.E.C. at 444 (noting that similar language was “not mandatory”). The discretionary nature of FINRA’s authority under these provisions flatly contradicts Duval’s assertion that it offers a “mandatory, ministerial” enforcement or suspension service to which she is entitled. RP 258.

Because FINRA does not offer the service Duval describes, the Commission must dismiss her application.⁷ *DeMaria*, 2023 SEC LEXIS 1271, at *7; *Constantine Gus Cristo*,

⁶ FINRA also has the discretion to seek a sanction for non-compliance with an award by filing a complaint under its Rule 9200 series. *Avant*, 52 S.E.C. at 443-44 & n.8. Disciplinary proceedings under the 9200 series and expedited proceedings under FINRA’s Rule 9550 series are the sole means by which FINRA may seek to impose a suspension or other disciplinary sanction against a member or associated person for a failure to comply with an arbitration award.

⁷ Nor does FINRA provide a service to collect on arbitration awards entered in its forum. Indeed, FINRA has explained that “the responsibility to collect on an arbitration award lies with the claiming party,” who may pursue “the same collection tools as in a court judgment.” FINRA, *Discussion Paper—FINRA Perspective on Customer Recovery*, at 11 (Feb. 8, 2018), https://www.finra.org/sites/default/files/finra_perspectives_on_customer_recovery.pdf.

Exchange Act Release No. 86018, 2019 SEC LEXIS 1284, at *13 (June 3, 2019). This result is reinforced by Commission precedent recognizing that FINRA’s determinations as to whether it will pursue a regulatory action do not implicate a “service” within the meaning of Section 19(d). *See Cristo*, 2019 SEC LEXIS 1284, at *10-11 (no jurisdiction to review FINRA’s closure of its investigation into the applicant’s complaint); *Russell A. Simpson*, 53 S.E.C. 1042, 1044-45, 1047 (1998) (the applicant was not limited or denied access to a service when FINRA determined to take no action on his complaint). Moreover, because Duval’s application effectively asks the Commission to review an exercise of FINRA’s prosecutorial discretion, dismissal is also consistent with Commission precedent holding that such determinations generally are not subject to review.⁸ *DiPietro*, 2016 SEC LEXIS 1036, at *14-15 & n.20 (citing *Schellenbach*, 989 F.2d at 912). Duval cannot evade this precedent by incorrectly characterizing FINRA’s discretion to commence proceedings under Rule 9554 as a “service” for purposes of Section 19(d).

2. Even If Duval Identified a Service for Jurisdictional Purposes, She Has Not Shown She Has Been Denied that Service

For the reasons discussed above, Duval has failed to identify a relevant service FINRA offers—let alone establish that any such service is “fundamentally important” for jurisdictional purposes. *See Wanger*, 2016 SEC LEXIS 3770, at *15. For this reason alone, the Commission should dismiss the application. *See DeMaria*, 2023 SEC LEXIS 1271, at *7, 11.

⁸ As the sole exception, the Commission has explained that it might have jurisdiction to review a claim of selective prosecution. *DiPietro*, 2016 SEC LEXIS 1036, at *15 n.20. This requires an applicant to present evidence that he or she was unfairly singled out and that FINRA’s disciplinary action was motivated by a discriminatory purpose or desire to prevent his exercising a constitutionally protected right. *David Kristian Evansen*, Exchange Act Release No. 75531, 2015 SEC LEXIS 3080, at *25 (July 27, 2015); *Nicholas T. Avello*, 55 S.E.C. 1197, 1209 n.19 (2002) (a party claiming selective prosecution “must establish, not merely assert, that the action against him was motivated by an unjust motive”). This exception is plainly inapplicable here.

Nevertheless, even assuming Duval has identified a “service” for jurisdictional purposes, the Commission still should dismiss her application because she has not made the requisite showing that she has been prohibited or limited in accessing that service. *See Simpson*, 53 S.E.C. at 1047. Even assuming FINRA has a “mandatory [] duty” to seek Bluefin’s suspension (which it does not), it has made no decision against doing so. RP 258. Rather, FINRA explained to Duval that it will not institute a Rule 9554 proceeding against Bluefin *at this time* due to the judicial stay. RP 86, 107-08. FINRA further explained that, should Bluefin fail to pay the award after the stay is lifted or its appeal is denied, it will issue a notice of suspension to the firm under the rule. *Id.*

Duval therefore has established, at most, that FINRA has not *yet* provided the purported service she describes. But she has failed to demonstrate that FINRA would be obligated to perform that service at a particular time. *See* RP 258-59. Indeed, while Rule 9554 and the relevant By-Law require FINRA to provide a specified period of notice before imposing a suspension or cancellation for non-compliance, they do not provide a deadline by which FINRA must pursue a suspension or cancellation. *See* FINRA Rule 9554(a); FINRA By-Laws of the Corporation, Art. VI, Sec. 3(b). And, because FINRA’s determination to forbear initiating a Rule 9554 proceeding while the stay is in place is interim in nature, Duval cannot point to a final disposition prohibiting or limiting her in accessing the purported service. *See WD Clearing*, 2015 SEC LEXIS 3699, at *17 (rejecting the firm’s argument it was denied access to a service when, among other things, the interim restrictions it sought to challenge were “temporary and provisional” and not a “final disposition”).

Further, to the extent FINRA’s discretion to implement Rule 9554 proceedings implicates a “service” to Duval, she has received that service. FINRA repeatedly considered and responded

to Duval's requests. RP 54-55, 86, 107-08; *see Simpson*, 53 S.E.C. at 1047 (the applicant was not denied access to a service when, among other things, his complaint "was investigated and considered by [FINRA] staff" before it was dismissed); *Cristo*, 2019 SEC LEXIS 1284, at *11 (reaching a similar conclusion). While these responses may not be the outcome she desires, her dissatisfaction with them is insufficient to confer jurisdiction under Section 19(d). *See Cristo*, 2019 SEC LEXIS 1284, at *11; *Jonathan Edward Graham*, Exchange Act Release No. 89237, 2020 SEC LEXIS 2670, at *8-9 (July 7, 2020) (the applicant's disagreement with FINRA's determination did not create jurisdiction under Section 19(d)).

B. Duval's Arguments to the Contrary Lack Merit

The Commission should reject the jurisdictional arguments Duval raises because they misapprehend the nature of FINRA's authority under Rule 9554. These arguments rest primarily on the mistaken premise that FINRA has a mandatory duty to institute expedited proceedings for the non-payment of an arbitration award. *See* RP 258-59; *see also* Emergency Motion, unnumbered at 2; Opposition to Further Briefing, unnumbered at 2. As discussed above, there is no such mandate, as FINRA's authority to bring disciplinary proceedings, including those under Rule 9554, is discretionary. *See Avello*, 55 S.E.C. at 1209 (discussing FINRA's "wide discretion" to institute disciplinary proceedings).

Moreover, Duval's specific arguments lack merit. Duval contends that, by failing to initiate a Rule 9554 proceeding against Bluefin at this time, FINRA is violating its statutory obligations under the Exchange Act to protect the public interest and impose appropriate discipline on its members and their associated persons. RP 258-59 (citing Exchange Act Sections 15A(b)(6)-(7) & 19(g)(1)). But Duval cannot satisfy the jurisdictional requirement to identify a relevant service FINRA offers simply by pointing to the Exchange Act's broad aims.

Cf. DeMaria, 2023 SEC LEXIS 1271, at *7 (assessing jurisdiction by looking to the particular service the applicant described); *Cristo*, 2019 SEC LEXIS 1284, at *12-13 (same). Otherwise, any applicant could easily circumvent the statutory constraints on the Commission’s jurisdiction. *See Graham*, 2020 SEC LEXIS 2670, at *6 (Section 19(d) authorizes review “only in specific circumstances”).

Contrary to Duval’s assertion, FINRA’s position here does not contradict a statement it made in *NASD Notice to Members 00-55*. RP 258; Opposition to Further Briefing, unnumbered at 2. The footnote Duval cites states, “An 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.” *NASD Notice to Members 00-55*, 2000 NASD LEXIS 63, at *5 n.5 (Aug. 2000). FINRA made this statement to further explain the circumstances in which a member or associated person might establish a valid defense for its non-compliance with an award. *See id.*; *see also* FINRA Rule 9554(e) (a member or associated person may request a hearing to establish a defense). FINRA did not state that FINRA must institute a Rule 9554 proceeding under any particular set of circumstances, or at a particular time. *See id.* And, even if the statement Duval cites were somehow relevant to this appeal, FINRA’s responses to her are entirely consistent with that statement. Indeed, FINRA advised Duval that it will institute a Rule 9554 proceeding against Bluefin *when there is no stay* of the court order confirming the award. RP 86, 107-08; Mass. R. Civ. P. 62(d).

FINRA’s position also is not contrary to the Commission precedent Duval cites. RP 259; Opposition to Further Briefing, unnumbered at 2. While Duval points to the Commission’s decision in *DiPietro*, that decision expressly recognizes that FINRA exercises prosecutorial discretion to institute Rule 9554 proceedings. 2016 SEC LEXIS 1036, at *14-15. Moreover, the

Commission explained that the applicant in that case, who had been suspended under Rule 9554, lacked a valid defense for non-compliance precisely because there was no stay of a district court order confirming the relevant award. *Id.* at *13-14. Therefore, *DiPietro* cannot be read to state that FINRA must institute a Rule 9554 proceeding under any particular circumstances, let alone when a court order confirming an award *is* subject to a stay.⁹ *See id.* at *13-15.

Finally, Duval cannot establish jurisdiction by pointing out that FINRA offers an arbitration service, as she indisputably accessed that service. RP 1-9; Emergency Motion, unnumbered at 2. As discussed above, FINRA offers no service to suspend members or associated persons who fail to comply with awards issued in that forum and, even if it did, Duval has not been limited or denied in accessing such a service. *Supra*, at 8-13.

C. Duval Identifies No Other Basis for Jurisdiction, and None Applies

Duval identifies no other basis for the Commission to exercise jurisdiction. RP 258-59. Nor could she successfully do so, as it is plain no other basis applies. Duval does not seek review of a final disciplinary sanction imposed against her, nor has she been barred from associating with a FINRA member. *See Cristo*, 2019 SEC LEXIS 1284, at *14-15. Moreover, her application does not involve a denial of, or restriction on, a firm's membership. *See id.*

In sum, Duval has failed to establish that any of the four bases for jurisdiction under Section 19(d) of the Exchange Act applies. Accordingly, the Commission has no authority to

⁹ Duval's reference to a FINRA Hearing Officer's decision suspending associated persons under Rule 9554 is similarly unavailing. RP 259; Opposition to Further Briefing, unnumbered at 2. In that decision, the Hearing Officer explained that the respondents lacked a valid defense for their failure to comply because, while they had appealed from a California state court judgment affirming the relevant award, their appeal did *not* stay the judgment. *Dep't of Enf't v. Barrows*, Expedited Proceedings. Nos. ARB250005 & ARB250007, 2025 FINRA Discip. LEXIS 10, at *11-13 (FINRA Hearing Panel May 7, 2025), *appeal docketed*, SEC Admin. Proceeding No. 3-22477 (May 22, 2025).

review FINRA's responses to Duval or order the relief she seeks. Notably, the Commission must have jurisdiction to review a SRO's action under Section 19(d) before it is authorized to order any of the relief described in Sections 19(d), (e), or (f). *See* Exchange Act §§ 19(d)-(f) (generally providing that the Commission may order the relief specified when it sets aside a SRO action described in Section 19(d)(1)); Aug. 31, 2026 Briefing Order (asking whether the Commission has authority to order the relief Duval seeks). Because Duval has failed to establish a basis for the Commission's jurisdiction over her application, the Commission must dismiss it. *See WD Clearing*, 2015 SEC LEXIS 3699, at *10.

D. The Commission Should Extend the Briefing Schedule

In its September 1, 2026 order, the Commission directed FINRA to address the merits of Duval's request to vacate the briefing schedule. The Commission should extend the briefing schedule, as the present motion is dispositive and, if granted, will obviate the need for any further briefing. *See Joseph Gordon Nelson*, Exchange Act Release No. 105152, 2026 SEC LEXIS 929, at *1-2 & n.1 (Apr. 6, 2026) (finding it appropriate to extend the briefing schedule under Commission Rule of Practice 161 when FINRA filed a dispositive motion to dismiss). Moreover, this proceeding has been pending for less than five weeks, no previous extensions have been granted, and the parties may address threshold jurisdictional issues through briefing on the present motion. *See* 17 C.F.R. § 201.161(b).

Because an extension of the briefing schedule will allow the Commission to rule on the present motion, an order vacating that schedule is unnecessary. Moreover, the Commission should reject Duval's specific arguments in favor of vacating the briefing schedule because they lack merit. Citing Section 19(d)(2) of the Exchange Act, Duval asserts that vacatur is appropriate because the Commission immediately should order FINRA to suspend Bluefin or

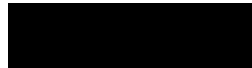
initiate a proceeding to do so. Emergency Motion, unnumbered at 14; Opposition to Further Briefing, unnumbered at 1-3. But for the reasons discussed herein, the Commission lacks jurisdiction to enter such an order, and Section 19(d)(2) does not support a different result. While it provides that the Commission may enter a stay of a SRO's action over which it has jurisdiction, there is no such jurisdiction here.¹⁰

¹⁰ Even if the Commission had jurisdiction, it could not properly enter the summary order Duval seeks under Section 19(d)(2). Section 19(d)(2) provides for a stay in certain circumstances, and the “typical purpose of equitable relief like a stay is to preserve the status quo.” *Bloomberg, L.P.*, Exchange Act Release No. 83755, 2018 SEC LEXIS 1911, at *45 (July 31, 2018). The order Duval seeks would not preserve the status quo pending review. Rather, it effectively would serve as a mandatory injunction requiring FINRA to alter the status quo by suspending Bluefin. *See Chrysler Motors Corp. v. Int’l Union, Allied Indus. Workers*, 909 F.2d 248, 249 (7th Cir. 1990) (explaining that an order reinstating an employee was a mandatory injunction because it was an “order[] to do,” distinguishable from an “order[] not to do, or to stop doing”).

IV. CONCLUSION

The Commission should dismiss Duval's application for lack of jurisdiction. Because the Commission lacks jurisdiction to review the application, it should extend the briefing schedule until such time that it renders a decision on FINRA's dispositive motion to dismiss.

Respectfully submitted,



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September 8, 2026

CERTIFICATE OF COMPLIANCE

I, Ashley Martin, certify that:

- (1) FINRA's Motion to Dismiss the Application for Review and Response to Duval's Motion to Vacate the Briefing Schedule complies with SEC Rule of Practice 151(e) because it omits or redacts any sensitive personal information; and
- (2) FINRA's Motion to Dismiss the Application for Review and Response to Duval's Motion to Vacate the Briefing Schedule complies with the limitation set forth in SEC Rule of Practice 154(c). I have relied on the word count feature of Microsoft Word in verifying that this motion contains 5,179 words.



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September 8, 2026

CERTIFICATE OF SERVICE

I, Ashley Martin, certify that on this 8th day of September 2026, I caused a copy of the foregoing Motion to Dismiss the Application for Review and Response to Duval's Motion to Vacate the Briefing Schedule to be filed through the Commission's electronic filing system, effecting service on:

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

On this date, I also caused a copy of the reply to be served by email on:

Rebecca Joann Duval

[REDACTED]
[REDACTED]
[REDACTED]

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