

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

ANDREW GRAVES

Petitioner,

-against-

J.P. MORGAN SECURITIES LLC

Respondent.

Index No.

**PETITION TO VACATE  
ARBITRATION AWARD**

Petitioner Andrew Graves (“Petitioner” or “Graves”) through his undersigned counsel respectfully submits his Petition to vacate an arbitration award and alleges as follows in support of his application for an Order and Judgment:

- A. VACATING pursuant to CPLR §§ 7502 and 7511 and the Federal Arbitration Act (“FAA”), 9 U.S.C. §§ 10(a)(3) and 10 (a)(4) and on grounds of manifest disregard of the law and violation of public policy, a final arbitration award issued January 14, 2022 (the “Award”) by a Financial Industry Regulatory Authority (“FINRA”) arbitration panel in an arbitration between Graves and J.P. Morgan Securities, LLC (“JPMS”) styled *J.P Morgan Securities, LLC v. Andrew Graves*, FINRA arbitration case number 18-02857 (the “Arbitration”);
- B. REMANDING the arbitration to a new FINRA panel of arbitrators for a new hearing; and
- C. GRANTING such other and further relief as this Court deems just and proper.

**PARTIES**

1. Graves is an individual who resides in the state of New York.

2. JPMS is a Delaware corporation which is registered to do business in the State of New York. JPMS maintains its principal place of business at 277 Park Avenue, New York, NY 10172.

### **JURISDICTION AND VENUE**

3. This Court has jurisdiction over Graves' Petition to Vacate Arbitration Award pursuant to the submission agreement executed by the parties through which the parties agreed to submit to the jurisdiction of any court of competent jurisdiction. The FINRA arbitration was held in New York.

4. Venue is proper pursuant to CPLR § 503.

### **GROUND FOR VACATUR**

5. As more fully set forth in the accompanying Memorandum of Law, which is incorporated herein in full and by reference, the Award should be vacated on several grounds, including manifest disregard of the law by the Panel regarding JPMS' lack of standing to bring a claim for breach of the Note as JPMS was not a party to the Note; the violation of a strong public policy in favor of accurate Form U-5 which are afforded the benefit of absolute immunity; and the arbitrator misconduct for the denial of Graves' ability to present material and pertinent evidence in support of his unjust enrichment claim.

6. The Award should thus be vacated under the FAA because the arbitrators were "guilty of misconduct in...refusing to hear evidence pertinent and material to the controversy and the arbitrators the "exceeded their powers." 9 U.S.C. §§ 10(a)(3, (4). Similarly, the Award should be vacated pursuant to CPLR §§ 7511(b)(1)(i) & 7511(b)(1)(iii) (stating that an award should be vacated in the event of "fraud or misconduct in procuring the award" where the refusal

to hear pertinent or material evidence is a form of misconduct and where an arbitrator “exceeded his power or so imperfectly executed it that a final and definite award upon the subject matter submitted was not made”). The Award should also be vacated on the grounds that it contravenes a clear public policy which exceeds the power of the arbitrators under both the FAA and CPLR.

**PRAYER FOR RELIEF**

7. Graves respectfully requests that the Court issue an Order granting this Petition vacating the Award, remanding the arbitration to a new FINRA panel for a new hearing and granting any further relief as the Court deems just and proper.

Dated: February 14, 2022  
New York, New York

Respectfully submitted,

/s/ Ethan A. Brecher

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