

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF RICHMOND

MICHAEL CHRISTOPHER BLUMER

Petitioner,

V.

JON ANDREWJESKI :

Respondent.

Index Number.

VERIFIED PETITION TO VACATE ARBITRATION AWARD

Preliminary Statement

1. Petitioner Michael Christopher Blumer (“Petitioner”) submits this Verified Petition to Vacate Arbitration Award and respectfully asks that the Court vacate the FINRA arbitration award, (the “Award”) rendered in FINRA Case No.: 21-01256.

Parties

2. Petitioner Blumer is a resident of Richmond County, NY.

3. At all relevant times, Petitioner Blumer was a registered representative within the Financial Industry Regulatory Authority (“FINRA”) and was classified as an “Associated Person” pursuant to FINRA rules.

4. Respondent Jon Andrewjeski (“Respondent”) is, upon information and belief, a resident of Franklin County, Washington State.

Background

5. Respondent in this matter filed a Statement of Claim (the “SOC”) through the arbitration forum offered by FINRA on or about May 13, 2021.

6. The underlying arbitration was captioned *Jon Andrewjeski v. First Standard Financial Company LLC, Michael Christopher Blumer and Michael Leahy*.

7. The underlying arbitration was assigned FINRA Case No.: 21-01256 (the “FINRA Arbitration”).

8. Petitioner sought damages of Forty Eight Thousand Dollars (\$48,000) or 25,000 shares of Novavax.

9. Petitioner filed his Answer, *Pro Se*, denying the allegations in his Answer filed on August 2, 2021 and alleging that the only account he had with Respondent was a corporate account titled *Andrewjeski Livestock*. See Exhibit “A” annexed hereto.

10. Pursuant to FINRA Rules, the parties to the FINRA Arbitration were served with a list of arbitrators to be used in the selection process.

11. Pursuant to the terms FINRA Rules, the case proceeded with one arbitrator.

12. Pursuant to the selection process and the internal ranking and matching process internally conducted by FINRA, Bert Krages, II was appointed to preside over the matter.

13. First Standard Financial Company filed for Bankruptcy protection on March 22, 2021, and therefore the case did not proceed as to that entity.

14. Michael Leahy did not appear in the FINRA Arbitration at all.

15. The case was heard “on the papers” and was administrated through FINRA’s Seattle Washington office.

16. An award was rendered against Petitioner on or about October 7, 2021 and received by Petitioner on October 13, 2022. A copy of the Award is annexed as Exhibit “B” hereto.

17. The panel rendered an award against Petitioner, in Respondent’s personal name but not in the name of the account which Petitioner managed, and therefore the award is erroneous and in disregard of the facts and law.

18. The arbitrator violated CPLR §7511 in his manifest disregard of the law and facts when rendering an award against Petitioner in the personal name of the Respondent, when the Petitioner did not manage an account in Respondent's personal name.

WHEREFORE, Petitioner seeks an Order as follows:

- a. vacating the Award, and
- b. granting such other relief as the Court deems just and proper.

Dated: Lawrence, New York
 January 13, 2022

Respectfully submitted,
Abi Rosenfeld
The Rosenfeld Law Office
156 Harborview South
Lawrence, NY 11559
PH. 516-547-1717

ATTORNEY VERIFICATION

STATE OF NEW YORK)
)
COUNTY OF NASSAU) ss:

AVINOAM ROSENFELD, being duly sworn, states that he is the attorney for Petitioner MICHAEL CHRISTOPHER BLUMER and that the foregoing Petition is true to his own knowledge, except as to matters therein stated on information and belief, and as to those matters he believes the Petition to be true on the grounds of Respondent Ameriprise Financial Services, Inc.'s Statement of Claim.

This Verification is not made by Petitioner, as the Petitioner does not reside in the county in which undersigned has his principal place of business.

Avi Rosenfeld
Avi Rosenfeld
The Rosenfeld Law Office
156 Harborview South
Lawrence, NY 11559
PH. 516-547-1717