

EXHIBIT 7

Certified Transcript, FINRA Arbitration No. 24-02286, Pre-Hearing Conference of
April 28, 2025 (Pamela S. Warren, certified November 5, 2025)

BEFORE THE
FINANCIAL INDUSTRY REGULATORY AUTHORITY

In the Matter of the Arbitration between

JORDAN TEPPER WEINER and TERRI)	
P. TEPPER,	)
	) FINRA DR No.
Claimants,	) 24-2286
	)
-against-	)
	)
OPPENHEIMER & CO. INC.,	)
	) April 28, 2025
Respondent.	)

ARBITRATOR

Mr. Peter Ordower

CLAIMANTS

Mr. Jordan Tepper Weiner

Ms. Terri P. Tepper

RESPONDENT

Mr. John T. McGuire

TRANSCRIBER: PAMELA S. WARREN, CSR, RPR
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PROCEEDINGS TRANSCRIBED FROM ZOOM AUDIO

1 MS. BYRD: Just for the record, we are
2 now on record for Case ID 24 dash 02286. Turning
3 it over now to Arbitrator Ordower.

4 You may go ahead.

5 ADMINISTRATOR ORDOWER: Thank you. So
6 as you know we have a number of things to
7 discuss, especially as they may impact the
8 presently scheduled hearing for May 7.

9 And so the -- I'll certainly give
10 both sides an opportunity to raise anything that
11 they want to during this hearing. But I do have
12 a number of points, at least which, I think, we
13 will mainly cover, that have been brought to my
14 attention.

15 So let me start with the
16 claimants's request to file an amended statement
17 of claim. I understand from a very brief
18 discussion with Ms. Byrd that the claimant has
19 filed or submitted to FINRA, at least, the -- a
20 proposed -- a new proposed statement of claim. I
21 have not seen it yet.

22 I know that Mr. McGuire has
23 previously -- and I believe -- and I'll confirm
24 this with the claimant, but I believe that
25 certainly one of the purposes of it is to raise

1 the amount in controversy beyond the 38,000 and
2 change that the original claim had stated.

3 And I know Mr. McGuire has
4 previously objected to that. And I'll certainly
5 be happy to hear from both sides.

6 But since I haven't seen it, I
7 assume Mr. Weiner is still basically going to be
8 speaking on behalf of Ms. Tepper unless --

9 MS. TEPPER: I'll speak.

10 MR. TEPPER WEINER: She'll do most of
11 the speaking today.

12 ADMINISTRATOR ORDOWER: Oh, okay.
13 Great.

14 All right. So would you -- as I
15 said, I know that there -- you filed something.
16 I haven't seen it yet. But do you want to tell
17 me what the purpose or what the general nature of
18 the changes are in your proposed amended
19 statement of claim?

20 MS. TEPPER: We requested that the
21 arbitration switch from a simple arbitration to a
22 standard arbitration. Because in seeing the
23 discovery, we have come up with additional
24 financials that would go beyond the 50,000.

25 ADMINISTRATOR ORDOWER: Okay. And so

1 what is the amount that you will be -- that you
2 would like to be seeking in the new statement of
3 claim?

4 MS. TEPPER: There is --

5 MR. TEPPER WEINER: Actually, there is
6 two -- this is one other issue too. When I was
7 knocked out from being a claimant, I think that
8 nullified our statement of claim. So in
9 your -- what we were trying to do was respond to
10 your order that said that we can't proceed
11 without a statement of claim.

12 So, therefore, we were trying to
13 amend the statement of claim to comply to your
14 order. And there were additional amounts.
15 That -- what we're asking for now is a hundred
16 thousand dollars.

17 MS. TEPPER: Well --

18 MR. TEPPER WEINER: It is not in that
19 statement of claim. She didn't -- she just --
20 her statement of claim was just changing it from
21 a simple arbitration to a standard arbitration.

22 I didn't detail everything out,
23 which I thought -- I told her we -- we're pro se.
24 I said we needed to detail it all out. She
25 thought it just needed to be --

1 ADMINISTRATOR ORDOWER: That's -- so is
2 the -- is the proposed statement of claim which
3 has been submitted to FINRA, which I haven't seen
4 yet, does that specify that the amount in -- that
5 the amount you wish to --

6 MR. TEPPER WEINER: No.

7 ADMINISTRATOR ORDOWER: -- claim?

8 MR. TEPPER WEINER: I want to switch
9 from a simple arbitration to a standard
10 arbitration.

11 MS. TEPPER: Standard arbitration.

12 MR. TEPPER WEINER: I'm happy to submit
13 a new thing detailing the claim. That's not a
14 problem. I don't --

15 MS. TEPPER: Well --

16 ADMINISTRATOR ORDOWER: And -- go ahead.

17 MS. TEPPER: I thought it was pretty
18 detailed, exactly what we wanted in the
19 financials.

20 MR. TEPPER WEINER: Oh, did it?

21 MS. TEPPER: Yes, it did.

22 MR. TEPPER WEINER: I'd have to look.
23 It might be.

24 MS. TEPPER: Yes. We gave the
25 financials.

1 MR. TEPPER WEINER: Okay.

2 ADMINISTRATOR ORDOWER: Okay. All
3 right. So just so I am clear though, the claim
4 that you would like to proceed under would then
5 seek a hundred thousand -- up to a hundred
6 thousand dollars exclusive of interest and fees.

7 MR. TEPPER WEINER: That's correct.

8 MS. TEPPER: That's exactly right.

9 ADMINISTRATOR ORDOWER: Okay.

10 MS. TEPPER: Exactly.

11 ADMINISTRATOR ORDOWER: And it would
12 proceed under the regular arbitration rules.

13 MS. TEPPER: Right. With you as the
14 arbitrator.

15 ADMINISTRATOR ORDOWER: So --

16 MS. TEPPER: Sole arbitrator, yes.

17 ADMINISTRATOR ORDOWER: Okay. Got it.
18 Okay. I think I understand that.

19 Mr. McGuire, do you want to
20 basically address that?

21 MR. MCGUIRE: Yeah. Thank you,
22 Mr. Ordower. I think if we are -- and we all
23 know that this should be done on motion. And I
24 assume for the purposes of the record you're
25 treating the request orally today from claimant

1 as that motion, and we don't object to the motion
2 being heard on that basis.

3 ADMINISTRATOR ORDOWER: Thank you.

4 MR. MCGUIRE: With regards to the
5 amendment, the -- which you have not seen so
6 you're operating a little bit blindly.

7 But I have seen it. And I can
8 tell you that the, quote, newly-discovered
9 evidence is evidence that was in the control of
10 the claimant. They reference some information
11 that was held by Ms. Tepper's daughter as the
12 justification for the increase in damages, damage
13 request.

14 So (unintelligible) the motion
15 and allowed the amended statement of claim, that
16 would necessitate, unfortunately, a continuance
17 of the hearing date. Oppenheimer would have the
18 right to submit an amended answer. Oppenheimer
19 would have the right to reopen discovery.
20 Oppenheimer would have to rethink its trial
21 strategy. We would have to reconsider our 20-day
22 exchange. And our 20-day exchange preparing for
23 a simplified arbitration, understanding the rules
24 allow for a two-hour presentation with no cross
25 examination. In order to streamline this and to

1 not take up too much of your time, Mr. Ordower, I
2 was prepared to make that presentation and
3 introduce one witness for very short direct
4 examination.

5 Were you to allow that, I need to
6 retool completely how we're going to attack this
7 case, how we're going to defend this case. I
8 have to work on cross examination of Mrs. Tepper.
9 I would amend my 20-day exchange to call
10 Mr. Weiner as a witness. I may want to call
11 expert witnesses to rebut their expert witnesses.

12 So if we were to convert this to
13 a full arbitration hearing, we can't possibly go
14 forward on May 7.

15 I understand the -- the interest,
16 Mr. Ordower, on your behalf to make sure that a
17 pro se claimant is properly protected. If I were
18 in your seat, I would be doing the same thing.

19 But to try to do this after the
20 20-day exchange, after an enormous amount of
21 discovery, to now say we're going to allow an
22 increased damage claim because suddenly they have
23 found records that were in their custody and
24 control all along, is -- I just think is foolish.

25 So we would oppose it. We're

1 prepared to go forward as a simplified
2 arbitration on May 7. I'd ask you to deny the
3 motion.

4 ADMINISTRATOR ORDOWER: Okay. Let me
5 ask this.

6 MR. McGUIRE: Sure.

7 ADMINISTRATOR ORDOWER: I know that -- I
8 think -- I looked briefly, again, at the record
9 in this -- earlier today. And certainly as
10 it -- at least by February the claimant had
11 submitted a proposed amended statement of claim
12 which raised the amount in controversy to
13 the -- somewhere around the range that we're
14 talking about, a hundred grand or so. So I don't
15 think that that's a -- that in itself is not a
16 last-minute surprise to you.

17 Is there any -- having had
18 the -- having you had the benefit of it,
19 reviewing that amended draft, and since I
20 haven't, and since you obviously have your own
21 interests to look after, whatever, is there
22 anything different in the theory or the essential
23 concept of the case?

24 I mean, as I understand it is
25 pretty simple that you -- they believe it was

1 unfair of Oppenheimer to raise the percentage of,
2 I guess, basically a sort of commission rate, or
3 something along those lines, for looking after
4 these accounts. And when I looked at the earlier
5 drafts, I don't think the concept had changed
6 much. Although certainly the amount had changed.

7 So is it -- in terms of avoiding
8 any prejudice to you, is there anything -- and I
9 understand that you might want to take some
10 additional discovery. And certainly there are
11 issues relating to, like, substantiating those
12 amounts and that kind of thing.

13 But is there anything that would
14 really set this thing back on its ears?

15 MR. McGUIRE: Yes. I -- if we
16 (unintelligible) damage claim of close to
17 (unintelligible) thousand dollars, which is made
18 up of some submission by Mr. Weiner that he has
19 put 120 hours into this thing and he wants to get
20 recompensed for his time, things like that, I'm
21 entitled to that kind of discovery.

22 I'm entitled to the notes -- and
23 again, I understand you're at a disadvantage.
24 But they reference notes from a Nona Ullman that
25 they have suddenly discovered in their files, in

1 their control, I don't have.

2 And if we're going to move this
3 from a simplified arbitration to a full-blown
4 hearing, which I have every right to demand on
5 behalf of my client if this is where we're -- if
6 that's the damage claim we're looking at, the
7 simplified arbitration rules don't apply.

8 If we're looking at an increased
9 damage claim, I have a right, Oppenheimer has a
10 right to have a full-blown hearing. And I get to
11 cross examine these good people. And I get to
12 cross examine their experts. And I get to
13 introduce rebuttal evidence.

14 I have all those obligations as
15 a -- to my client.

16 ADMINISTRATOR ORDOWER: Okay. Yeah.

17 Mr. Weiner, let me just say this
18 before you make your comment. Obviously we
19 are -- I mean, we're only about a week away from
20 the -- little over a week away from the hearing.
21 And I can tell you now that if I were to allow an
22 amendment -- an amended statement of claim that
23 effectively more than doubled the amount in
24 controversy, I would almost surely strike the
25 May 7 hearing date in fairness to the other side.

1 So -- and we would certainly talk about, you
2 know, setting another hearing date.

3 But if I -- if you understand
4 that the effect of granting an amended statement
5 of claim would be to necessarily strike the May 7
6 date, would you still want to do that or do
7 you -- or do you prefer to stay on the May 7 date
8 and your present statement of claim?

9 MR. TEPPER WEINER: (Unintelligible).
10 Okay. Mr. Ordower, with all due respect to
11 Mr. McGuire, the financial statements sent
12 by -- that we're using from my sister are exact
13 Oppenheimer spreadsheets that he was supposed to
14 supply in 30 megabyte files or less that he is in
15 noncompliance of.

16 As a matter of fact, in our last
17 prehearing conference, we specifically addressed
18 that we need client financials. He has got --

19 ADMINISTRATOR ORDOWER: Well, let me
20 interrupt you. You're getting into the -- to
21 discovery disputes. And I do want to address
22 that.

23 But if nothing else, I think
24 Mr. McGuire has -- that there is merit to his
25 argument that if nothing -- putting aside any

1 substantive issues, just the fact that the format
2 of the hearing would radically change from no
3 cross examination, no calling the other
4 sides's witnesses, and that kind of thing, he
5 would certainly be entitled to have reasonable
6 time to re-prepare his case for a different kind
7 of hearing.

8 So I guess -- and if you wanted
9 to -- if you want to think about it after this
10 hearing, you can certainly also do that. But
11 what I can tell you is if -- if I were to grant
12 your -- the request to change the nature of the
13 hearing and the amount of it, that would kick the
14 present date.

15 So is that something you want to
16 do?

17 MR. TEPPER WEINER: I'm trying to answer
18 that, but it is not a direct yes-or-no question.

19 ADMINISTRATOR ORDOWER: Okay.

20 MR. TEPPER WEINER: In order to answer
21 that, we had filed -- I had filed an amended
22 statement of claim right out the gate, which you
23 approved and which you overruled him, and we had
24 the dollar amount. So it doesn't substantially
25 change the amount.

1 But the problem that occurred why
2 this is happening is we uncovered, not just in
3 Nona's financials, that are directly off of
4 Oppenheimer's reports that he was mandated to
5 comply with but you did not, but we also have an
6 email on his discovery that's -- that clearly
7 states Oppenheimer's complaint department
8 retroactively backdated the -- changed the fees,
9 and they retroactively changed the fees to be
10 prior to the date of the signature.

11 We have things out of their
12 discovery that substantiate the need to increase
13 the damages, and we're entitled to that.

14 Mr. McGuire is -- the longer
15 you -- the longer we delay this -- she wants this
16 over. She was data entering all of this stuff
17 from these spreadsheets from my sister because he
18 didn't comply. And he said that we'd
19 provide -- we asked for a client activity log.
20 We don't need a client activity log. That has no
21 relevance to the case. It had to do with the
22 client financials.

23 All that he has to do is supply
24 the total financials, the total fees and
25 commissions charged for each account. That's all

1 we're asking. We don't even care about -- and we
2 would like to have a month to month because as
3 she was doing the month to month of data
4 earnings, she was like, oh, my God, this is over
5 1.95 percent.

6 So it is intruding on my mother's
7 life, and that's precious time to me. That's the
8 most important thing to me actually. The --
9 everything else is secondary.

10 Every day on this planet there is
11 either positive or negative things that you're
12 dealing with. Our lives are very, very positive.
13 And we're very good people.

14 And this is -- the fact that this
15 reason has arised because of Oppenheimer and his
16 noncompliance. And there is even a motion
17 stating that he's in compliance. Even this
18 morning he filed another thing that he's in
19 compliant, that we asked for a client activity
20 log.

21 You were on that meeting,
22 Mr. Ordower, and we didn't ask for client
23 activity log. He is causing the delays. He's
24 causing this. And now he wants to prolong it,
25 which further damages my mother's time and mental

1 well-being, as well as keeping the money in their
2 pocket instead of hers.

3 So I do not want the hearing
4 delayed, but I also want to increase my claims.
5 So I am in a Catch-22 there too. I don't know
6 how to respond to that.

7 ADMINISTRATOR ORDOWER: Well, it is --

8 MR. MCGUIRE: Mr. Ordower, since the
9 issue was raised --

10 ADMINISTRATOR ORDOWER: Yeah.

11 MR. MCGUIRE: -- we complied with your
12 order. We said we would provide the client
13 activity report and an Excel spreadsheet. We
14 were never directed nor would we agree to come up
15 with Excel spreadsheets for -- but is referred to
16 in the latest --

17 ADMINISTRATOR ORDOWER: I appreciate
18 that. I'm going to ask you to hold off on that
19 because I do address the discovery separately.

20 MR. MCGUIRE: As somebody who has
21 practiced law for 45 years and when somebody
22 attacks the way I respond to an order from a
23 chairperson, I really feel obligated to respond.
24 I'll hold with my comments until the appropriate
25 time.

1 ADMINISTRATOR ORDOWER: I appreciate
2 that. And I'm in my 44th year of law. So you
3 got me beat there by a year.

4 But okay. So I heard your
5 comments, Mr. Weiner, and I appreciate them.
6 But, you know, I have an obligation to be as fair
7 as possible to both sides procedurally as well as
8 substantively.

9 And if there is going to be a
10 change in the claim a week or 10 days before the
11 hearing, I do think that we have to give some
12 additional time to the respondent to adjust
13 to -- essentially it is going to change the
14 entire nature of the hearing, which it will
15 simply -- because of the ability to cross examine
16 witnesses and they may -- as I said, they may
17 want to name additional witnesses. You may want
18 to name an additional witness, whatever it is.

19 So I understand it is a difficult
20 choice, but it is a choice I'm going to ask
21 you -- the two of you to make because it
22 is -- the -- you have raised the issue basically
23 by asking to change the claim. And so --

24 MR. MCGUIRE: Mr. Ordower, may I make a
25 suggestion perhaps?

1 ARBITRATOR ORDOWER: Yeah.

2 MR. MCGUIRE: Given the import of the
3 decision, maybe we let Ms. Tepper and her son
4 spend some moments by themselves. Maybe we can
5 put them into a breakout room or something.

6 ARBITRATOR ORDOWER: Do you want to do
7 that? That's fine with me.

8 MR. TEPPER WEINER: I -- before we do
9 that, I don't need a breakout room. What I need
10 to know is, I mean, we filed this amended
11 statement of claim, just like you said, putting
12 the increased damages far before this, right
13 away, as soon as we filed. Actually even before
14 discovery was even made, we filed an amended
15 statement of claim with this dollar amount.

16 I would like you to take that
17 into consideration. I would like you to take
18 into consideration that, again, Mr. McGuire is
19 vehemently defending that he provided -- but you
20 were at that prehearing conference. And why
21 would we want an activity log file report? It
22 has nothing to do with the basis of the claim.

23 We wanted -- the financials is
24 what we're disputing. That's what we want.

25 MS. TEPPER: The --

1 ADMINISTRATOR ORDOWER: Okay. I'm going
2 to -- I certainly don't want to force you to talk
3 privately if you -- off the record if you don't
4 want to. But I think my question is going to
5 be -- is going to stand to you, basically, which
6 is: You're going to have a choice to make.

7 MR. TEPPER WEINER: Okay. I have
8 another question, your Honor, to make that --
9 because my mother just pointed out a good point.
10 If we keep it simple arbitration with a max of
11 50,000, are we still going to be entitled to, in
12 addition to that, our administrative fees, our
13 expert witness costs, and things? Because
14 another thing to take into consideration, the
15 expert witnesses have already confirmed the May 7
16 date. And one of them has already said, it was
17 really inconvenient, but I took off of work for
18 this. And I don't want to inconvenience the
19 expert witnesses anymore as well.

20 So if we stick to the simple
21 FINRA arbitration at 50,000, are we still going
22 to be entitled to the interest, the expert
23 witness fees, and the -- and the administrative
24 costs on top of that?

25 And -- I mean, we're giving

1 up -- we're entitled to -- actually we're
2 entitled to well over a hundred thousand dollars.
3 We're willing to take a financial loss on that
4 just to get this over with and speed up the
5 trial.

6 The next question is since
7 whether we're now willing to go down to 50,000,
8 which, I mean, it is hard to --

9 ADMINISTRATOR ORDOWER: Okay. Well, let
10 me clarify my position to you.

11 MR. TEPPER WEINER: Yes.

12 ADMINISTRATOR ORDOWER: I am not asking
13 you to give up anything, okay? And I'm not --
14 I'm not suggesting to you which route you want to
15 (unintelligible). I perfectly understand if
16 it -- I mean, it is a substantial change in the
17 amount of dollars sought.

18 Obviously, there is -- I have
19 made -- I can tell you this. I have made no
20 predetermination of the merits of the case for
21 either side. And so you may end up with nothing,
22 you may end up with 50 grand or 35 grand. You
23 may end up with a hundred grand. I have no idea
24 at this point.

25 But --

1 MR. TEPPER WEINER: Well --

2 ADMINISTRATOR ORDOWER: But the -- if
3 you stay with the current statement of claim,
4 then my belief and -- is that you will be
5 entitled to 50 grand plus interest and fees
6 if -- if they are awarded.

7 I'm not even sure about the
8 expert witness costs. I frankly have to look
9 into that.

10 If --

11 MR. TEPPER WEINER: I had one other
12 question.

13 ADMINISTRATOR ORDOWER: Yeah.

14 MR. TEPPER WEINER: My one other
15 question. Did this all happen because I was
16 knocked out as being a claimant and that's why my
17 second -- my statement of claim that I filed that
18 is for 95,000, that was approved, is now
19 non-existent? Because I had filed a statement of
20 claim and it was --

21 ADMINISTRATOR ORDOWER: Well, I'm not
22 sure what you're saying -- what you're asking is
23 a -- I mean, the statement -- the -- this hearing
24 is taking place because there has been a flurry
25 of motions, as you know, on -- from both sides.

1 And so -- you know, and I do think that they --
2 you know, I want to make sure that you get the
3 discovery you're entitled to. I want to make
4 sure that you have the full opportunity to say
5 whatever claim you want to make. But also that
6 the -- you know, that the respondent is treated
7 fairly and that they have an opportunity to
8 defend themselves fully and make their positions
9 on the record.

10 And so, you know, I guess
11 we -- my answer would probably be no, it is not
12 just because of that.

13 And, you know, there is -- the
14 original issue about whether you were ever a
15 proper party, whether you, Mr. Weiner, were ever
16 a proper party or not. And I think you have
17 conceded, I believe, that -- that you are not a
18 proper party in the sense that you are not a
19 successor to the account. You're not a
20 beneficiary of the account after your father's
21 demise.

22 And so -- but I have no problem
23 with you fully participating as a representative
24 for your mother. And, you know, realistically I
25 assume that whatever you might be entitled to as

1 a descendent of your father, your mother will be
2 able to claim that amount anyway. I mean that --

3 MR. TEPPER WEINER: It is going to route
4 to me. As from my father to the -- the fiduciary
5 breach that took place, it does directly affect
6 my future pocketbook.

7 ADMINISTRATOR ORDOWER: Oh, I'm sure it
8 does. I'm sure it does. But from -- you know,
9 but from FINRA's standpoint, you know, they would
10 have to go --

11 MR. TEPPER WEINER: I trust your
12 judgment. I'm a hundred percent --

13 ADMINISTRATOR ORDOWER: So if you -- so
14 I think what I would tell you is this: I have no
15 problem if you want to go with the -- if you want
16 to proceed with your original claim. In fact
17 when I look -- I looked at it again this morning,
18 and it actually says the estate -- as I read it,
19 it says the estate of your father as well as your
20 mother. Although you are also sort of listed as
21 a party somehow.

22 So I have no problem proceeding
23 with that claim and basically disregarding you as
24 a -- or denying any claim to you personally while
25 recognizing that the full claim may be made on

1 with -- through your mother.

2 MR. TEPPER WEINER: That's greet.

3 ADMINISTRATOR ORDOWER: But your --

4 MR. TEPPER WEINER: Again, I -- I'm
5 still confused because I filed an amended
6 statement of claim before the -- any initial
7 discovery was done at all increasing the amount
8 to 95,000. So I don't know why on the tenth hour
9 that this is all of a sudden a surprise. Because
10 there is a statement of claim that was approved.
11 You approved it. And it was for 95,000.

12 ADMINISTRATOR ORDOWER: I don't recall
13 approving it, but --

14 MR. TEPPER WEINER: It was approved.
15 Let me -- give me a second. I -- you keep
16 talking between yourselves on other issues. I'll
17 see if I can pull it up.

18 ADMINISTRATOR ORDOWER: Okay. Well --

19 MS. TEPPER: It will be -- wait.

20 ADMINISTRATOR ORDOWER: Yeah, we'll give
21 him a minute to look for something if he wants
22 to.

23 MS. TEPPER: Thank you.

24 If you want to go ahead with some
25 of the other issues --

1 ADMINISTRATOR ORDOWER: Yeah, no, no.
2 But I don't want to because, I mean, I -- I
3 understand that your son is partially
4 asking -- acting as your spokesperson, so I don't
5 want to start argu-

6 MS. TEPPER: Well, he wanted me to do
7 most of the speaking today actually.

8 ADMINISTRATOR ORDOWER: I see.

9 MS. TEPPER: That was --

10 ADMINISTRATOR ORDOWER: You're entitled
11 to your semi-legal advisor there, I guess.

12 But certainly if you want to
13 add -- I mean, the other -- just so you both
14 know, I think the other issues that are on my
15 agenda are this issue about discovery --

16 MS. TEPPER: Uh-huh.

17 ADMINISTRATOR ORDOWER: -- being
18 completed. The issue of expungement which
19 respondent has requested.

20 MS. TEPPER: Uh-huh.

21 ADMINISTRATOR ORDOWER: And that's it.

22 And then -- well, also then, you
23 know, if it stays under 50 grand, then you can
24 still proceed with your simplified hearing so
25 that there is no cross examination and

1 that -- and there would be no -- likely there
2 would be no further discovery or changing
3 witnesses or anything like that.

4 If you do proceed with an -- if
5 you were to change the amount of the claim over
6 50 grand, it would bump it up to a regular
7 hearing that would substantially change the
8 nature of the hearing itself and would, in my
9 mind, almost surely necessitate a rescheduling of
10 it.

11 MS. TEPPER: (Unintelligible).

12 ADMINISTRATOR ORDOWER: And it wouldn't
13 necessarily have to be a long rescheduling,
14 because this is still an expedited proceeding.
15 And I recognize, you know, the importance of this
16 and your age and all this stuff.

17 So, I mean, if we did extend it,
18 it would not be my intent to get into a long
19 extension.

20 MS. TEPPER: Well, I hope to still be --
21 be alive next week so I think we can --

22 ADMINISTRATOR ORDOWER: I hope we're all
23 alive next week.

24 MS. TEPPER: And I have a question for
25 Mr. McGuire.

1 ADMINISTRATOR ORDOWER: Yes.

2 MS. TEPPER: My daughter had all the
3 statements. We didn't know she had them. We
4 just found out that she had all the statements,
5 the Oppenheimer -- Lawre's statements from the
6 three files.

7 We're missing one statement,
8 July -- in the 2021 statement, July in Account
9 Number 9977. Would it be possible for you to
10 send us that one statement?

11 MR. MCGUIRE: We will resend it. It has
12 already been sent. But I'm happy to pull it out
13 and resend it, yes.

14 MS. TEPPER: Could you.

15 MR. MCGUIRE: Mr. Ordower, on the issue
16 of scheduling, I want to make this -- I feel
17 obligated to put this out there.

18 ADMINISTRATOR ORDOWER: Go ahead.

19 MR. MCGUIRE: I'm leaving Oppenheimer as
20 of June 30. I may or may not be associating with
21 a law firm by July 1. And if I do, I'm talking
22 certain matters with me.

23 If this matter goes beyond
24 July 1, I would take this matter with me. But
25 I'm still in negotiations with two law firms

1 about where I am going to be working. The firm
2 has offered me a buyout, and I'm taking the
3 buyout.

4 So I'm putting that out there. I
5 have a very busy schedule between May 7 and
6 June 30, as you might imagine. I have been here
7 a total of 27 years. There is a lot of stuff I
8 have got to clean up. So I just want you to have
9 the benefit of that.

10 ARBITRATOR ORDOWER: Okay.

11 MR. McGUIRE: And I want Ms. Tepper to
12 have the benefit of that also.

13 ADMINISTRATOR ORDOWER: Congratulations,
14 I think.

15 MR. McGUIRE: It is bittersweet.

16 ADMINISTRATOR ORDOWER: I understand a
17 change in life, I guess, is -- okay.

18 Well, yeah, I mean, to me
19 though -- okay. I appreciate that. And
20 obviously we can get into that.

21 I don't think -- I mean, from
22 what I have heard so far there -- although the
23 nature of the hearing might change, the issues
24 are really not much affected. The evidence is
25 really not going to be too much affected because

1 it is a -- it is a fairly straightforward issue,
2 I think, and largely -- a one-or-two-issue
3 matter.

4 And so I would -- I would think
5 that in the event that it was continued, there
6 would not need to be a lot of new discovery. I
7 would certainly allow you to respond to a -- to
8 file a statement of answer to any new statement
9 of claim.

10 But I wouldn't imagine it would
11 be -- it would really slow things down very much.
12 And it might well extend beyond July 1, but I
13 wouldn't think that would really change very
14 much.

15 MR. MCGUIRE: Well, I'm -- in the event
16 I'm not with a law firm by July 1, I'm leaving
17 the firm in very good hands with Ms. Saberito and
18 other experienced litigators here. So we'll
19 figure something out.

20 ADMINISTRATOR ORDOWER: That's good.

21 And Ms. Saberito, make sure you
22 take advantage of the fact that this has been
23 recorded so if you need a record of him telling
24 you that.

25 Okay. All right. Mr. Weiner.

1 MR. TEPPER WEINER: On February 14th, on
2 the FINRA portal, there is an uploaded amended
3 statement of claim by me, and it clearly states
4 that we are asked -- we increased our award to
5 \$92,143.50 and it is -- so you look on the FINRA
6 portal on the 14th, you'll see my amended
7 statement of claim. And it -- it has been there
8 since February 14th.

9 ADMINISTRATOR ORDOWER: Right. But --

10 MR. MCGUIRE: (Unintelligible)
11 simplified arbitration. Nunc pro tunc by -- on
12 February 14th. We have all been proceeding under
13 the assumption it is a simplified arbitration.
14 It is not --

15 ADMINISTRATOR ORDOWER: Yeah. And the
16 fact of the matter is that I have to approve
17 the -- an amendment -- the amended pleadings.
18 And so, you know, I appre- -- and obviously you
19 have to file it in order for everybody to
20 understand what's going on and what you are
21 seeking, but that doesn't mean that I approved
22 it.

23 MR. TEPPER WEINER: How long -- how long
24 would it be delayed till?

25 ADMINISTRATOR ORDOWER: That's something

1 we can -- we can discuss. And if you like, we
2 can -- you can hold off on answering the ultimate
3 question and consulting with your mom if you want
4 to privately while we discuss that.

5 It would be my view that if we
6 were to allow an amended statement of claim, that
7 Mr. McGuire could certainly respond to it within
8 10 days, file a statement of answer.

9 And --

10 MR. TEPPER WEINER: You know, you don't
11 need to go further, Mr. Ordower. My mom wants
12 this to be over. Her quality of life is way more
13 important to me than any dollar amounts.
14 She's -- she's 83 years old and this has been
15 hell for her. And I got to -- I got to end this.

16 So I do not want to postpone the
17 hearing. We'll stick with --

18 ARBITRATOR ORDOWER: Okay.

19 MR. TEPPER WEINER: Unfortunately, we're
20 going to stick with a much less than what we're
21 entitled to.

22 ADMINISTRATOR ORDOWER: Okay. All
23 right. Well, that makes it --

24 MR. TEPPER WEINER: I think that we
25 should -- we are going to get a lot more. We're

1 entitled to punitive damages, treble damages, all
2 (unintelligible) --

3 (Zoom audio issue.)

4 MS. TEPPER: Okay.

5 MR. TEPPER WEINER: My mom's well-being
6 is the most important thing to me on the planet,
7 so --

8 ADMINISTRATOR ORDOWER: I got it. I got
9 it.

10 Okay. All right. Then I will
11 basically take that as your -- sorry. Excuse me.

12 (Brief interruption.)

13 ARBITRATOR ORDOWER: As withdrawing
14 your -- a motion to proceed with the newly
15 filed amended statement of claim.

16 MR. TEPPER WEINER: Well, I would like
17 to state on the record as long as we can -- in
18 addition to the \$50,000 cap, that we're going to
19 be entitled to the expert witness fees, which I
20 have invoices for; my administrative costs, which
21 has been excessive because of a bunch of
22 frivolous motions and noncompliance issues from
23 OPCO's attorney; and with interest. As long as
24 that's -- as long as we're in total unison with
25 that, we'll -- I am willing to do that. But

1 that -- those things can --

2 MR. McGUIRE: Mr. Ordower, this is
3 allowing them to have their cake and eat it too.

4 MR. TEPPER WEINER: No, it is not. It
5 is simply by arbitration rules.

6 ADMINISTRATOR ORDOWER: Let me hear from
7 Mr. McGuire.

8 MR. McGUIRE: Thank you. I'm not going
9 to be allowed to cross examine their expert. I'm
10 not going to be allowed to call Mr. Weiner and
11 cross examine him on his exorbitant claim for 120
12 hours of administrative costs.

13 MR. TEPPER WEINER: He can cross examine
14 me.

15 MR. McGUIRE: I am not going to be able
16 to (unintelligible) about the assertions he has
17 made about our failure to properly comply with
18 discovery obligations, which -- I am not going to
19 be able to cross examine him about the frivolous
20 motions made ad nauseam by Mr. Weiner.

21 So while they are claiming, well,
22 we want our -- up to our \$50,000, plus it is
23 \$38,000, which is a difference between the 1.25
24 percent and 1.95 percent -- I'm not going to be
25 able to cross examine about all these assertions

1 he has made in our prehearing conferences, in the
2 myriad filings he has made. But they want you to
3 consider an award in excess of the jurisdictional
4 amount for the simplified arbitration procedure.
5 It is patently unfair.

6 MR. TEPPER WEINER: It states very
7 clearly within the FINRA rules and regulations
8 that this is (unintelligible) thousand dollars
9 can be exceeded by expert witness costs,
10 interest, and administrative fees, period.
11 You're wrong.

12 Why are you rewriting FINRA
13 rules?

14 MR. McGUIRE: That's a number that
15 (unintelligible) --

16 MR. TEPPER WEINER: Right.

17 MR. McGUIRE: -- the claim, and I'm not
18 allowed to probe the assertion for those
19 additional funds. That's patently unfair to
20 Oppenheimer.

21 ADMINISTRATOR ORDOWER: Okay.

22 MR. TEPPER WEINER: What's unfair is
23 that you --

24 ARBITRATOR ORDOWER: Well, there
25 are -- okay. We have been -- we have been

1 operating on the assumption that it would be a
2 simplified hearing, that it would be within the
3 50,000 plus fees and interest provisions.

4 And so, I mean, you know, they
5 can -- as far as I am concerned, they can request
6 whatever they want. But it is -- it is -- you
7 know, and you can -- and, obviously, you'll
8 have -- you'll have the opportunity to argue, you
9 know, prejudice to you and all that kind of
10 stuff. But --

11 MR. McGUIRE: And just so the record is
12 clear, zero is a possible award too.

13 ADMINISTRATOR ORDOWER: Absolutely.

14 MR. McGUIRE: Thank you.

15 MR. TEPPER WEINER: What?

16 MR. McGUIRE: I want to make sure --

17 ADMINISTRATOR ORDOWER: I said it at the
18 beginning, you know, it could be the maximum, it
19 could be zero, it could be somewhere in between.

20 MR. McGUIRE: Thank you, Mr. Ordower

21 ADMINISTRATOR ORDOWER: Yeah.

22 Okay. Well, then we'll keep the
23 May 7 date. We will keep the simplified hearing
24 procedure, which is to me the number one agenda
25 item for today.

1 Let's then move to this -- the
2 issue of unfurnished discovery. And Mr. Weiner,
3 I'm going to let -- or Ms. Teppner, however you
4 want to address it -- why don't you
5 present -- why don't you tell me what you think
6 you're missing or that is going to prejudice you
7 in your ability to proceed on May 7.

8 MS. TEPPER: I have totaled up all the
9 total portfolio assets from 2020 through 2023, as
10 well as all the management fees. And we are
11 ready to upload a -- it can't be an Excel sheet,
12 it has to be a certain -- we'll upload that --
13 which will show what we think we're entitled -- I
14 mean, how much more they went. They went all the
15 way up to 2.3 percent if you total -- well, the
16 rest --

17 MR. TEPPER WEINER: What he's asking,
18 mom, is what did they non -- what did they not
19 provide in discovery.

20 ADMINISTRATOR ORDOWER: What do you
21 still need that you think you're entitled to that
22 they have --

23 MS. TEPPER: We want to make sure that
24 our records -- our records agree with theirs.

25 We didn't really have access to

1 their financials because the file was too large,
2 so -- and it was never resubmitted as far as my
3 understanding is into smaller amounts so that we
4 could see it.

5 What we really just want from
6 them is just a total -- give us the total
7 management fees --

8 MR. TEPPER WEINER: Wait.

9 MS. TEPPER: -- of all --

10 MR. TEPPER WEINER: By month. So you
11 can see and cross reference the percentages that
12 you're saying.

13 What we want is -- all we want is
14 the financial statements. State for each account
15 this is what the portfolio was, this is what the
16 fee charged, this is the percentage charged. And
17 then after everything, this is the total from --

18 MS. TEPPER: 2021.

19 MR. TEPPER WEINER: He's going to object
20 to that, so -- because he doesn't want to provide
21 it.

22 So what we really need, just give
23 us the total account fees charged and the
24 (unintelligible) for each account. Total
25 management fees and commissions charged starting

1 in January 2021 till the accounts were closed.
2 If we could have those, that's a huge thing for
3 us.

4 And we're entitled to that. They
5 said -- Oppenheimer's whole thing was a smooth
6 transition to the inheritor. Asking what the
7 total management fees and commissions are from a
8 certain period to the end of the account is our
9 right as an inheritor.

10 ADMINISTRATOR ORDOWER: Okay.
11 Mr. McGuire, what's your response?

12 MR. MCGUIRE: I almost responded the way
13 we would talk in Brooklyn, and I'm glad I did
14 not. It is total lunacy. We provided 900
15 megabytes of documents. All --

16 ADMINISTRATOR ORDOWER: Yeah.

17 MR. MCGUIRE: -- the monthly statements,
18 the quarterly reports, all the information that
19 has -- that has the management fee information
20 for them.

21 They submitted a document months
22 ago that lists all the management fees. They
23 have it.

24 At your request, we broke up the
25 900 megabytes of information to more bite size

1 units.

2 Ms. Saberito can address the fact
3 that because of graphics in some of those
4 submissions, some of the -- some of them were
5 bigger than 30 megabytes. One was up to 50
6 megabytes. Some were 33 megabytes.

7 When Mr. Weiner complained about
8 our efforts above and beyond what we're obligated
9 to do. We asked him, tell us what you can't
10 open. If you can't open the 50 megabytes, if you
11 can't open the 33 megabytes, we'll try to figure
12 something out. You know what we heard?
13 Crickets.

14 MR. TEPPER WEINER: No, you didn't. I
15 responded.

16 MR. MCGUIRE: Every time.

17 MR. TEPPER WEINER: I need every file,
18 as agreed in the prehearing conference, 30
19 megabytes or less. Because I put it into my
20 other -- my other -- I used that in my -- but
21 even besides that, Mr. Ordower, he had it on his
22 original statement of answer. He states that the
23 management fee was not increased until mid 2022.
24 That's an outright demonstrably false statement.
25 We have corrected him on it over and over and

1 over again that the management fees were
2 increased in January 2021 --

3 ADMINISTRATOR ORDOWER: Well, if it is
4 demonstrably false, then you can demonstrate it
5 and that shouldn't be a discovery.

6 MR. TEPPER WEINER: Then we're good.

7 (Simultaneous speakers.)

8 MR. MCGUIRE: His statement that he has
9 quoted over and over and over. The very fact
10 that we repeat these lies constantly --

11 MS. TEPPER: You don't have to respond.

12 ARBITRATOR ORDOWER: Okay.

13 MR. TEPPER WEINER: Absolutely --

14 ADMINISTRATOR ORDOWER: Mr. Weiner, let
15 me ask you this.

16 MR. TEPPER WEINER: Yeah.

17 ADMINISTRATOR ORDOWER: From your
18 perspective --

19 MR. TEPPER WEINER: Yes.

20 ADMINISTRATOR ORDOWER: -- do you
21 believe you have evidence of how much was charged
22 on the account?

23 MS. TEPPER: Uh-huh.

24 ADMINISTRATOR ORDOWER: And from that
25 you can determine how much you allege you -- that

1 your dad was overcharged?

2 MR. TEPPER WEINER: Mostly. We're
3 missing the commission. These are all just the
4 management fees. We're missing the commission --

5 MS. TEPPER: We're missing the
6 commissions.

7 MR. TEPPER WEINER: The commission.

8 MS. TEPPER: Commissions on the 9977, on
9 that account.

10 MR. TEPPER WEINER: Yeah.

11 MS. TEPPER: It didn't have a management
12 fee, it had commissions.

13 MR. TEPPER WEINER: I would like to have
14 that.

15 MS. TEPPER: Couldn't find the
16 commissions.

17 MR. TEPPER WEINER: Couldn't find it.

18 MR. MCGUIRE: That's not embodied in any
19 statement of claim or any amended statement of
20 claim.

21 MR. TEPPER WEINER: No, it was found out
22 in discovery.

23 MR. MCGUIRE: Honestly --

24 MR. TEPPER WEINER: This is additional
25 issues that you guys have --

1 MR. McGUIRE: (Unintelligible)
2 statement. And if you are not going to show me
3 that common courtesy, I don't know what else I
4 can do.

5 MR. TEPPER WEINER: We're just
6 asking -- here is a simple way, Mr. McGuire --

7 MR. McGUIRE: (Unintelligible).

8 MR. TEPPER WEINER: All we're asking is
9 give us the total dollar amount from January '21
10 through the close of each -- of three accounts
11 how much total piece were charged and
12 commissions. Why is that a problem?

13 MR. McGUIRE: Because your statement of
14 claim alleges and your amended statement of claim
15 and your third amended statement of claim and
16 every filing you have made alleges that it was
17 improper to raise the management fee from 1.25
18 percent to 1.95 percent.

19 MR. TEPPER WEINER: It is not improper
20 to raise the management fee like that, but it is
21 improper to do to an 80 year old cognitive
22 declined impaired man and saying it was a bonus.
23 That's wrong. That's a fiduciary breach.

24 And then to retroactively --

25 ADMINISTRATOR ORDOWER: Okay. We're

1 getting into -- we're not arguing the merits.

2 MS. TEPPER: You're getting too --

3 MR. TEPPER WEINER: I don't want to get
4 into an argument.

5 MR. MCGUIRE: In all the information we
6 have provided -- and Ms. Tepper just asked if we
7 could provide one monthly statement that is
8 missing, I'm happy to do it.

9 MS. TEPPER: Would you send it to me,
10 please? Can I give you my email address?

11 MR. MCGUIRE: Yes, Ms. Tepper. And
12 Ms. Saberito will take it down.

13 MR. TEPPER WEINER: She has it.

14 MS. TEPPER: Do you have it? T as in
15 Tom, P as in Peter, T as in Tom, 2118 at gmail
16 dot com.

17 MR. TEPPER WEINER: And Mr. Ordower, I'd
18 like a ruling that says that, hey, just supply --
19 these people that you harmed -- you don't have to
20 say that people that were harmed -- just supply
21 them with the total management and commissions
22 charged from January '21 -- from January 1st,
23 2021 through the account close. They are
24 entitled to that, period.

25 MS. TEPPER: Okay. Stop.

1 MR. McGUIRE: We have. We have done it
2 twice.

3 MR. TEPPER WEINER: I just want a total.
4 You have never given us a total.

5 MR. McGUIRE: You can --

6 MR. TEPPER WEINER: (Unintelligible)
7 page document that you shuffled in a deck in a
8 900 megabyte file and said figure it out. And
9 then so we figured out another way, and now
10 you're disputing that.

11 We just don't want any
12 discrepancies, your Honor, about the dollars when
13 it is in front of so you can make your ruling.
14 That's all we're asking.

15 (Simultaneous speakers.)

16 MR. TEPPER WEINER: And that's what they
17 are going to be running --

18 ADMINISTRATOR ORDOWER: Let me ask you
19 this: Where are you getting your numbers from
20 then if not from --

21 MR. TEPPER WEINER: We got our numbers
22 from OP- --

23 MS. TEPPER: Oppenheimer statements.

24 MR. TEPPER WEINER: Mr. Courtney, the
25 regional manager, emailed us account statements

1 after we filed our initial complaint.

2 MS. TEPPER: But --

3 MR. TEPPER WEINER: And we sent that --
4 and my sister had them. I didn't realize. My
5 sister is crazy busy in life. We didn't even ask
6 her. She just came up, wait a second. She just
7 found that out, realized the other day that she
8 still had them.

9 ADMINISTRATOR ORDOWER: So you're basing
10 it on Oppenheimer's statements then.

11 MS. TEPPER: Yes.

12 MR. TEPPER WEINER: That's correct.

13 MS. TEPPER: That's right. Exactly.

14 MR. TEPPER WEINER: They are on
15 Oppenheimer's statements on --

16 MS. TEPPER: We had all the
17 statements --

18 MR. TEPPER WEINER: We have all the
19 statements, and we're going to upload them.

20 ADMINISTRATOR ORDOWER: Okay.

21 MR. McGUIRE: We also provided those
22 statements in our 900 megabytes of documents,
23 which we broke up into 48 separate files.

24 ADMINISTRATOR ORDOWER: Okay. Let me
25 just get clear then. You're going

1 to -- Oppenheimer is going to provide them with
2 one month's statement. That's it, correct, or --

3 MR. MCGUIRE: Ms. Tepper indicated she
4 did not have the July 2021 statement for the
5 account ending in 9977.

6 MS. TEPPER: Correct.

7 MR. TEPPER WEINER: And we need the
8 commissions. We don't have the commissions. We
9 have all the management fees.

10 But we do not have the
11 commissions charged in which account, mom?

12 MS. TEPPER: 9977.

13 MR. TEPPER WEINER: 9977.

14 MS. TEPPER: The rest of all have
15 management fees except for that one that was
16 then --

17 MR. MCGUIRE: For one month.

18 MS. TEPPER: -- October.

19 MR. MCGUIRE: For one month.

20 MR. TEPPER WEINER: No, that's from
21 January -- we're missing those commission
22 statements from January 1st, 2021 through October
23 2021.

24 MS. TEPPER: In October, it was
25 transferred --

1 MR. TEPPER WEINER: For the commissions.

2 MS. TEPPER: -- over.

3 MR. TEPPER WEINER: It was transferred
4 over the management --

5 MS. TEPPER: The management.

6 MR. TEPPER WEINER: We have the
7 management fees. We don't have the commissions.

8 MS. TEPPER: The commissions from 2021
9 January to --

10 MR. TEPPER WEINER: To --

11 MS. TEPPER: -- the end of September.

12 MR. TEPPER WEINER: -- the end of
13 September.

14 MS. TEPPER: From that one account.

15 MR. TEPPER WEINER: For management.

16 MS. TEPPER: The 2020 77.

17 ADMINISTRATOR ORDOWER: Mr. McGuire, is
18 it your belief that you have already provided
19 that information?

20 MR. MCGUIRE: Twice.

21 MR. TEPPER WEINER: They might have in
22 the 3200 pages.

23 MS. TEPPER: It is not in the
24 statements. It is not in the statements that's
25 why we couldn't find the fees.

1 ADMINISTRATOR ORDOWER: Mr. McGuire, can
2 you provide those for those -- January 2021
3 through October 2022 -- the commission statements
4 for that account?

5 MR. MCGUIRE: At your request,
6 Mr. Ordower, we will do it for a third time.

7 ARBITRATOR ORDOWER: Thank you.

8 MS. TEPPER: And please send it to me.

9 ADMINISTRATOR ORDOWER: Okay. And when
10 can you get that to them?

11 MR. MCGUIRE: I don't know. I'll have
12 to consult with Ms. Saberito. I'll do it with
13 all -- with all deliberate speed.

14 ADMINISTRATOR ORDOWER: Okay. All
15 right. I'll probably -- well, okay. Since we're
16 only --

17 MS. TEPPER: We'll upload our sheet that
18 shows what the --

19 MR. TEPPER WEINER: Yeah.

20 MS. TEPPER: -- total fees are and the
21 percentages.

22 MR. TEPPER WEINER: To make it clear,
23 we're looking for the commission charges from
24 January 2021 till October 2000--

25 MS. TEPPER: To October --

1 MR. TEPPER WEINER: To October 1st.

2 MS. TEPPER: -- 2021.

3 MR. TEPPER WEINER: To September.

4 MR. McGUIRE: 2021.

5 ADMINISTRATOR ORDOWER: On just that one
6 account, 9977?

7 MS. TEPPER: That one account.

8 MR. TEPPER WEINER: The commissions.

9 MS. TEPPER: Commissions. Yeah, they
10 are not on the statements. We couldn't find them
11 on the statement.

12 MR. McGUIRE: Of which?

13 MR. TEPPER WEINER: As my mom was
14 saying, we'll upload the spreadsheet and have
15 the, like, verification from Mr. McGuire's team
16 that these numbers are accurate before the
17 hearing.

18 MR. McGUIRE: I'm not verifying
19 anything. You're --

20 ADMINISTRATOR ORDOWER: Okay. Yeah.

21 MS. TEPPER: They don't have to.

22 MR. TEPPER WEINER: You don't have to.
23 I'm offering you the opportunity to. You don't
24 have to. We'll prove it in the arbitration. I
25 was being kind.

1 ADMINISTRATOR ORDOWER: Okay. I am
2 going to ask you --

3 MR. MCGUIRE: (Unintelligible).

4 ADMINISTRATOR ORDOWER: I'm going to ask
5 you to do that by the end of this Friday, since
6 that is already going to be May 2nd, okay,
7 Mr. McGuire?

8 MR. MCGUIRE: We will like this -- we
9 will make our best efforts to do that,
10 Mr. Ordower. That should be doable.

11 ADMINISTRATOR ORDOWER: Okay.

12 And now, Ms. Teppar -- Mrs. Teppar and
13 Mr. Weiner, is that the only remaining discovery
14 issue that you have at this point?

15 MR. TEPPER WEINER: That's fine. I
16 mean, everything else we have pulled out of --

17 ADMINISTRATOR ORDOWER: Okay.

18 MR. TEPPER WEINER: Yeah. We're good.

19 MS. TEPPER: We're good.

20 ADMINISTRATOR ORDOWER: Okay. Good.

21 MR. TEPPER WEINER: We can proceed.

22 ADMINISTRATOR ORDOWER: All right. Then
23 let's move on to expungement. I'm going to just
24 make a call here that in light of the fact that
25 we're sticking to an expedited hearing date and

1 that we're not going to be changing anything for
2 the benefit of the claimant here, we're also not
3 going to be expanding it into expungement
4 hearing. So that request will be denied.

5 Of course --

6 MR. McGUIRE: Can I addresses that? I
7 hear you, but can I address it?

8 ADMINISTRATOR ORDOWER: Yeah. Okay.
9 Sure.

10 MR. McGUIRE: Thank you. I appreciate
11 the opportunity.

12 Under the FINRA rules, Mr. Hymen
13 will not have an opportunity to address an
14 expungement after this hearing. It needs to be
15 done in the factual hearing on the merits
16 hearing, at the merits hearing. So he loses that
17 opportunity.

18 It is part and parcel of this
19 case for you to be able to make a decision after
20 you hear the presentations from both sides
21 whether or not it was factually impossible for
22 the assertions made to be -- to be truthful.

23 So the same decision process you
24 need to go through to judge the assertions in the
25 statement of claim, amended statement of claim,

1 fourth amended statement of claim, and to hear
2 our presentation of our defenses is also the same
3 issues you would need to listen to for the
4 expungement purposes.

5 There is no additional,
6 respectfully, brain power needed to reach that
7 decision. It is part and parcel.

8 ADMINISTRATOR ORDOWER: Let me ask you
9 this: Why wasn't that request made at the
10 beginning?

11 MR. McGUIRE: I think it was what we
12 might call law firm oversight --

13 ADMINISTRATOR ORDOWER: Okay.

14 MR. McGUIRE: -- on the part of the
15 filings made by us.

16 ADMINISTRATOR ORDOWER: I appreciate
17 that. And I have certainly done law firm
18 oversight myself.

19 Nevertheless -- and I don't know,
20 frankly, if it is true that there -- that you
21 will be precluded -- or that Oppenheimer will be
22 precluded from seeking expungement after that.
23 It will probably be -- well, whatever.

24 But nevertheless, I think it
25 would expand the case a bit. And I don't see

1 good cause to be expanding it for the benefit of
2 Oppenheimer at this point and not for the benefit
3 of the claimant, who would also would have liked
4 to have expanded the scope of it.

5 So that's going to be my ruling
6 that the expungement will not be part of the
7 case.

8 Is there -- now I know that there
9 had also been a recent -- some correspondence or
10 a motion on your behalf, Mr. McGuire, something
11 relating to confidentiality.

12 Is that still an issue for you or
13 are we sort of past that at this point?

14 MR. MCGUIRE: We had submitted -- we may
15 have to back up a little bit and to refer to some
16 of the comments made by Mr. Weiner in one of our
17 prior or in the prior prehearing conference,
18 that, respectfully, Mr. Weiner intends, after
19 this hearing is concluded, to do whatever he
20 wants to do in terms of contacting media, what
21 information he might want to publish on the
22 internet and have at it with the documents that
23 are subject to -- not subject to a
24 confidentiality.

25 We submitted a finite number of

1 emails that are internal to Oppenheimer but
2 responsive to discovery requests. I would ask
3 that those that I think are -- that you have,
4 Mr. Ordower, if you would reconsider reviewing
5 those and determining if they are confidential so
6 that to the extent Mr. Weiner takes some action
7 after this matter is over, because he has
8 indicated there is a certain vendetta to all of
9 this, then that -- those emails are not part of
10 the public domain.

11 MR. TEPPER WEINER: I have no vendetta.

12 ADMINISTRATOR ORDOWER: Okay. How many
13 documents are we talking about, roughly?

14 MR. MCGUIRE: Ms. Saberito has got -- I
15 think it is only a handful.

16 ARBITRATOR ORDOWER: Okay.

17 MR. MCGUIRE: Emails that --

18 ADMINISTRATOR ORDOWER: And those have
19 been -- those have been uploaded as part of your
20 motion?

21 MR. MCGUIRE: Yes.

22 ADMINISTRATOR ORDOWER: Okay. I'll take
23 a look at that.

24 MR. MCGUIRE: Thank you.

25 ADMINISTRATOR ORDOWER: And --

1 MR. TEPPER WEINER: The document that I
2 definitely want to be able to use, if I
3 pursue -- I wasn't -- I have got to think
4 this -- is over. But there is one document
5 that's from the Oppenheimer complaint department
6 to me, it is an email directly to me, that
7 is -- I have already received and that can't be
8 listed under the confidentiality.

9 MR. MCGUIRE: We never requested
10 confidentiality treatment for that.

11 MR. TEPPER WEINER: What --

12 MR. MCGUIRE: We only asked for
13 confidentiality treatment for --

14 MR. TEPPER WEINER: I was just making
15 sure because --

16 ADMINISTRATOR ORDOWER: Okay. Okay.
17 I'll look at that motion in light of that, and
18 that will be part of my order.

19 MR. MCGUIRE: Great. Thank you.

20 ADMINISTRATOR ORDOWER: Okay. We have
21 covered a bunch here.

22 Is there anything else that the
23 claimant wants to bring to our attention? And
24 this hopefully will be the last hearing before
25 May 7.

1 MR. TEPPER WEINER: I have a question,
2 just because I'm pro se and I don't know.

3 ARBITRATOR ORDOWER: Yes.

4 MR. TEPPER WEINER: It was -- I had it
5 and it is gone.

6 MS. TEPPER: FINRA fees.

7 MR. TEPPER WEINER: The FINRA fees.
8 Yeah. If we get awarded and it is found that
9 there was a fiduciary breach and then it
10 was (unintelligible) at the independent
11 contractor level, and at the complaint level it
12 was found that they did a fraudulent
13 misrepresentation and failure to supervise and we
14 are able to prove that Mr. McGuire filed a -- for
15 all these FINRA fees that it has caused -- for
16 like doing this prehearing conference, your
17 Honor, you were there and you were -- you heard
18 that it was client financials. We have no reason
19 for a log file. He's only -- I can tell you why
20 he is -- but it doesn't matter.

21 The point being --

22 MS. TEPPER: Yes.

23 MR. TEPPER WEINER: -- there is a bunch
24 of extra fees. Can we be awarded all the fees
25 for the FINRA things for -- that the OPCO has to

1 pay that, or not?

2 ADMINISTRATOR ORDOWER: I have
3 discretion to award a substantial amount of fees.

4 MR. TEPPER WEINER: That's what --

5 ADMINISTRATOR ORDOWER: Which I can
6 assess any way I want. It could be against you.
7 It could be against them. It could be split,
8 whatever.

9 MR. TEPPER WEINER: Perfect.

10 ADMINISTRATOR ORDOWER: So --

11 MR. TEPPER WEINER: Thank you.

12 ADMINISTRATOR ORDOWER: -- there is a
13 possibility of it, yes. But don't count on it is
14 what I am saying.

15 Anything else that you want to
16 address?

17 MR. TEPPER WEINER: We're good.

18 ADMINISTRATOR ORDOWER: Okay.

19 Mr. McGuire, anything else?

20 MR. MCGUIRE: One final note. First of
21 all, Mr. Ordower, thank you for your patience
22 today.

23 One final issue. We are going to
24 argue strenuously that all FINRA fees should be
25 attributed to claimant. But I think this has

1 been just an incredible circus the last few
2 months. I have never seen a matter like this
3 with the amount of filings, not generated by us.

4 So I'm -- I want that on the
5 record. We are going to argue strenuously they
6 should pay for this.

7 MR. TEPPER WEINER: I would love an all
8 or nothing. I'm totally in agreement with that.
9 If we prove that there is a fiduciary breach, I
10 would love it all to go to him. So an all or
11 nothing is perfect for me.

12 ADMINISTRATOR ORDOWER: Okay. We
13 can -- we'll address that (unintelligible).

14 MR. McGUIRE: I'll take that bet.

15 MR. TEPPER WEINER: Great.

16 Just a little levity,
17 Mr. Ordower. Thank you.

18 ADMINISTRATOR ORDOWER: Maybe you can
19 resolve this in a little dice game outside my
20 presence before the hearing.

21 But --

22 MR. TEPPER WEINER: Perhaps you'll lose.

23 ADMINISTRATOR ORDOWER: Okay. All
24 right. Well, then it seems like we should be
25 onboard for the May 7 hearing.

1 And you will in the meantime get
2 an order from me, which may take a day or two to
3 come out.

4 MS. TEPPER: Ahead of time?

5 MR. TEPPER WEINER: Yeah, we submit that
6 ahead of time. I want them to submit.

7 ADMINISTRATOR ORDOWER: I think that's
8 it.

9 And, yes, do make sure that any
10 evidence that you intend to address is uploaded
11 in advance.

12 MS. TEPPER: Okay.

13 MR. TEPPER WEINER: And we'll email it
14 to them too so that --

15 ADMINISTRATOR ORDOWER: Yes. Yes.
16 Because I probably will not be able to see it
17 unless it is on the FINRA site.

18 And since you're pro se, it is
19 also helpful, and I know that there is a little
20 bit of technical expertise, if you are able to
21 pull up and share screens with -- of any
22 documents you may want to refer to during the
23 hearing while testimony is occurring, that would
24 be helpful to me too. Not absolutely necessary,
25 but it would be helpful.

1 MR. TEPPER WEINER: Yeah, we should just
2 be able to just share screen on here, and then we
3 can scroll through the documents, correct?

4 ADMINISTRATOR ORDOWER: Yes.

5 MR. TEPPER WEINER: And we would get
6 those documents the morning of the hearing? We
7 have to have all our exhibit by then?

8 I submitted our exhibit list.
9 But all the -- all the exact exhibits the morning
10 before the hearing, correct?

11 ADMINISTRATOR ORDOWER: Absolutely, yes.
12 Yes.

13 MR. TEPPER WEINER: Perfect. We'll have
14 that done.

15 ADMINISTRATOR ORDOWER: Yeah. And it
16 may be -- it is -- if you have the ability to do
17 that, I mean, if you are -- especially if you are
18 submitting them to FINRA, it would be helpful to
19 do it sooner rather than later too.

20 So I'm not saying you have to do
21 it more than --

22 MR. TEPPER WEINER: We'll do it within
23 the -- if he texts us when he submits our -- what
24 he is going to use, we'll have it done within an
25 hour after he does it if he notifies me -- or two

1 or within -- very promptly after he submits his,
2 we'll have ours.

3 ADMINISTRATOR ORDOWER: Okay. All
4 right. Then I think we are done here. So thank
5 you. And good luck next week.

6 MR. TEPPER WEINER: Mr. Ordower, we
7 really appreciate you. Thank you very much.

8 ADMINISTRATOR ORDOWER: Okay. All
9 right. Thank you. The meeting is adjourned.

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CERTIFICATE

I HEREBY CERTIFY that I have listened
to the recording of the foregoing; that the foregoing
was reduced to typewritten form from a Zoom recording;
and that the foregoing is an accurate record of the
recording as above transcribed in this matter.

/s/Pamela S. Warren

November 5, 2025
Date