

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

EDWARD JONES & CO., L.P.	)	Case No. 2:19-cv-06776-AB (KSx)
ROBERT OWEN KINCAID and	)	
KENNETH ROBERT WOOD,	)	<b>JUDGMENT CONFIRMING</b>
	)	<b>ARBITRATION AWARD</b>
Petitioners,	)	
	)	<del>Date: October 25, 2019</del>
vs.	)	<del>Time: 10:00 a.m.</del>
	)	<del>Place: Courtroom 7B</del>
ERNEST MARTIN, a single man,	)	
	)	
Respondent.	)	

The Court has reviewed the unopposed Petition of EDWARD JONES & CO., L.P., ROBERT OWEN KINCAID and KENNETH ROBERT WOOD’s (collectively, “Petitioners”) to confirm the arbitration award rendered in the Financial Industry Regulatory Authority Dispute Resolution (“FINRA”) Arbitrators’ Award in the matter entitled *Ernest Q Martin v. Edward Jones, Robert Owen Kincaid, and Kenneth Robert Wood*, FINRA Case No. 17-02411 (the “Expungement Arbitration”) (the “Award”), and enter judgment thereon. The October 25, 2019 hearing is **VACATED**.

Having considered the pleadings filed by all parties, this Court hereby **GRANTS** the Petition on its merits and as unopposed, *see* Local Rule 7-12, and rules as follows:

**IT IS HEREBY ADJUDGED AND DECREED** that Judgment is entered in conformity with the Award rendered on January 25, 2019, filed with the Complaint (Ex.

1 C, Dkt. No. 1-1 pp. 14-21) and incorporated below, in the arbitration entitled *Ernest Q*  
2 *Martin v. Edward Jones, Robert Owen Kincaid, and Kenneth Robert Wood*, FINRA  
3 Case No. 17-0241. That arbitration ruled as follows:

4  
5 **AWARD**  
6

7 After considering the pleadings, the testimony and evidence presented at the  
8 hearing, the Panel has decided in full and final resolution of the issues submitted for  
9 determination as follows:

- 10 1. Claimant’s claims are denied in their entirety.
- 11 2. The Panel recommends the expungement of all references to the  
12 above-captioned arbitration case from registration records  
13 maintained by the CRD for Respondent Kenneth Robert Wood,  
14 occurrence number 1898185 (CRD# 5237460), and Respondent  
15 Robert Owen Kincaid, occurrence number 1898383 (CRD#  
16 2944141) with the understanding that, pursuant to Notice to  
17 Members 04-16, Respondents Kenneth Robert Wood and  
18 Robert Owen Kincaid must obtain confirmation from a court of  
19 competent jurisdiction before the CRD will execute the  
20 expungement directive.

21 Unless specifically waived in writing by FINRA, parties  
22 seeking judicial confirmation of an arbitration award containing  
23 expungement relief must name FINRA as an additional party  
24 and serve FINRA with all appropriate documents.

25 Pursuant to Rule 13805 of the Code of Arbitration Procedure  
26 (“Code”), the Panel has made the following Rule 2080  
27 affirmative findings of fact:

28 The claim, allegation, or information is factually impossible or  
clearly erroneous.

The claim, allegation, or information is false.

The Panel has made the above Rule 2080 findings based on the

1 following reasons:

2 The Panel found that the allegations made in the Statement of  
3 Claim to be nonmeritorious as Claimant did not meet the  
4 burden on proof. The economic climate prevailing at the time  
5 was such that Claimant’s parameters for investing in insured,  
6 tax free, highly rated bonds were unattainable. In short, there  
7 was no viable alternative. The account was self-direct (non-  
8 discretionary) and the principal financial instrument at issue  
9 was a Federated tax-free obligations fund whose interest rate  
10 trended close to zero, in correlation with generated market  
11 interest rates. There were some differences between Claimant  
12 and Respondents as to as to Respondents’ communications to  
13 Claimant regarding the performance of the fund, as well as  
14 Claimant’s need for liquidity in order to support his other  
15 business interests. The Panel found Respondents to be more  
16 credible.

13 Because the Panel found that none of the claims filed against  
14 Respondents and heard during the case-in-chief were  
15 meritorious or proven, under FINRA Rule 2080 both (A): the  
16 claim, allegation or information was clearly erroneous; and (C):  
17 the claim, allegation or information is false. Of particular note  
18 was the fact that Claimant supported the plea for expungement.

18 Finally, the Panel unanimously finds that the expungement of  
19 this arbitration would have no material effect on investor  
20 protection, the integrity of the CRD system, or regulatory  
21 requirement.

- 21 3. Any and all claims for relief not specifically addressed herein  
22 are denied.

23 **IT HEREBY ADJUDGED AND DECREED**

24 DATED: October 23, 2019



25 \_\_\_\_\_  
26 HONORABLE ANDRE BIROTTE JR.  
27 JUDGE, U.S. DISTRICT COURT  
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