March 10th, 2025

Mr. Peter Ordower FINRA Arbitration Panel Chairperson Case No. 24-02286

RE: Discovery Issues and Improperly Withheld Documents in FINRA Case No. 24-02286 (Tepper & Weiner v. Oppenheimer & Co. Inc.)

Dear Mr. Ordower:

I am writing to address this issue in our March 14th hearing regarding significant discovery issues in the above-referenced matter. Respondent Oppenheimer & Co. Inc. has produced documents in a manner that severely impedes our ability to review and utilize them effectively, and has improperly withheld critical communications and documentation, in violation of FINRA's discovery rules and guidelines.

There are two major issues requiring your immediate attention:

ISSUE 1: UNUSABLE DOCUMENT FORMAT

Respondent has provided 3,205 pages as a single PDF file exceeding 906 MB in size, without an index page or batch numbering system. Additionally, Respondent required us to sign up for Box.com to access this file, which inexplicably required us to misrepresent that we reside in the UK (which we do not) just to access our own discovery materials. This production format and delivery method create substantial hardship for the following reasons:

1. **Violation of FINRA Rule 12507**: This rule requires parties to cooperate in discovery and "use their best efforts to produce all documents required or agreed to be produced." Delivering an unwieldy 906 MB file does not constitute "best efforts" and impedes meaningful review.

2. **Contravention of FINRA Discovery Guide Principles**: The FINRA Discovery Guide (which supplements the Code of Arbitration Procedure) emphasizes that the discovery process should be "efficient and cost-effective." Section I of the Guide states that parties should produce documents in a "usable format." A single massive PDF without organization or indexing is not reasonably usable.

3. **Excessive File Size**: The 906 MB file size (928,353 KB) exceeds standard computer memory capabilities for efficient document handling. Many document management systems and even basic PDF viewers struggle with files of this size, causing system crashes and making navigation virtually impossible. We request that the maximum file size be under 30 MB.

4. **Lack of Organization**: Without an index or batch numbering system, locating specific documents responsive to our subpoena requests is extraordinarily time-consuming, placing an undue burden on us as the requesting party.

5. **Inappropriate Delivery Method**: We should not be required to create accounts on third-party platforms that force us to misrepresent our country of residence just to access our own discovery materials.

6. **Impeded Access to Evidence**: FINRA Code of Arbitration Procedure Rule 12505 requires parties to "cooperate to the fullest extent practicable in the exchange of documents and information." The current format and delivery method obstruct rather than facilitate access to evidence.

ISSUE 2: IMPROPERLY WITHHELD COMMUNICATIONS AND FIDUCIARY DOCUMENTATION

Despite our clear requests in the subpoena (particularly in sections 3 and 4), Respondent has:

1. Provided only transactional data while withholding all emails and internal communications regarding the WEINER ACCOUNTS;
2. Failed to produce any documentation of the paper trail related to the alleged fiduciary breach concerning our family's accounts;
3. Improperly conditioned production of these critical documents on our signing an overly restrictive confidentiality agreement that:
    - Demands all discovery can only be used in this arbitration
    - Requires destruction of all documents after the arbitration concludes
    - Imposes significant penalties for any deviation from these terms
4. While FINRA Rule 12512 allows parties to request confidential treatment of sensitive materials, Respondent has gone far beyond reasonable confidentiality protections. The documents we seek relate solely to our family's accounts and Mr. Weiner's accounts—information to which we are legally entitled.
5. We cannot and will not sign a confidentiality agreement that would prevent us from using and mandatory destroying of materials that may evidence unlawful acts.

For these reasons, we respectfully request that you order Respondent to:

1. Produce the documents in multiple, logically organized PDFs not exceeding 30 MB each;
2. Provide a comprehensive index identifying which documents respond to which specific requests;
3. Implement a consistent Bates numbering system across all documents;
4. Organize documents by the categories outlined in our subpoena;
5. Utilize a standard delivery method that does not require account creation or misrepresentation of personal information;
6. Provide all financial summaries, account statements, fee calculations, and transaction reports in Excel format (in addition to any other formats), to enable proper analysis and verification of the calculations;
7. Immediately produce all responsive emails and internal communications regarding the WEINER ACCOUNTS without requiring the overly restrictive confidentiality agreement;

8. Immediately produce all documentation relating to the paper trail for the alleged fiduciary breach concerning our family's accounts;

9. Cease conditioning document production on execution of the overly restrictive confidentiality agreement that would prevent us from fulfilling our legal obligations if evidence of unlawful conduct is discovered.

These measures would bring the production into compliance with FINRA's requirements for fair, efficient, and accessible discovery, as outlined in the Code of Arbitration Procedure and Discovery Guide. Respondent's current approach not only makes review of produced materials practically impossible but also improperly shields critical evidence from discovery.

These issues are exactly why we are requesting oversight for Oppenheimer's discovery process, which is our legal right under FINRA rules. We respectfully request that this matter be addressed at our March 14th hearing, as Respondent's actions are significantly hindering our ability to prepare for the April 30th hearing. Without proper and timely resolution of these discovery issues, our ability to present our case fully will be severely compromised.

Thank you for your consideration of this matter.

Respectfully submitted,

Jordan Tepper Weiner

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