

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Gary Mass

Case Number: 20-03360

vs.

Respondents
TD Ameritrade, Inc.
TD Ameritrade Clearing, Inc.

Hearing Site: New York, New York

Awards are rendered by independent arbitrators who are chosen by the parties to issue final, binding decisions. FINRA makes available an arbitration forum—pursuant to rules approved by the SEC—but has no part in deciding the award.

Nature of the Dispute: Customer vs. Members

This matter proceeded pursuant to Rule 12800 of the Code of Arbitration Procedure (“Code”).

REPRESENTATION OF PARTIES

Claimant Gary Mass appeared pro se.

For Respondents TD Ameritrade, Inc., and TD Ameritrade Clearing, Inc.: James J. Vihstadt, Esq., TD Ameritrade, Omaha, Nebraska.

CASE INFORMATION

Statement of Claim filed on or about: September 25, 2020.
Gary Mass signed the Submission Agreement: September 24, 2020.

Joint Statement of Answer filed by Respondents on or about: November 16, 2020.
TD Ameritrade, Inc., signed the Submission Agreement: November 16, 2020.
TD Ameritrade Clearing, Inc., signed the Submission Agreement: November 16, 2020.

CASE SUMMARY

In the Statement of Claim, Claimant asserted the following causes of action: breach of fiduciary duty; breach of contract; negligence; and violations of FINRA regulations. The causes of action relate to IVM and QQQ options.

Unless specifically admitted in the Statement of Answer, Respondents denied the allegations made in the Statement of Claim.

RELIEF REQUESTED

In the Statement of Claim, Claimant requested compensatory damages in the amount of \$30,346.35.

In the Statement of Answer, Respondents requested that the Statement of Claim be denied, and that all cost be assessed to Claimant.

OTHER ISSUES CONSIDERED AND DECIDED

The Arbitrator acknowledges having read the pleadings and other materials filed by the parties.

AWARD

After considering the pleadings, the Arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows:

1. Claimant's claims are denied in their entirety.
2. FINRA Dispute Resolution Services shall retain the \$600.00 filing fee that Claimant deposited previously.
3. Any and all claims for relief not specifically addressed herein are denied.

FEES

Pursuant to the Code:

TD Ameritrade, Inc. and TD Ameritrade Clearing, Inc. have each paid to FINRA Dispute Resolution Services the \$750.00 Member Surcharge and \$1,750.00 Member Process Fee previously invoiced.

All balances are payable to FINRA Dispute Resolution Services and are due upon receipt.

ARBITRATOR

John Michael Bergin

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Sole Public Arbitrator

I, the undersigned Arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument, which is my award.

Arbitrator's Signature

John Michael Bergin

John Michael Bergin
Sole Public Arbitrator

02/03/2021

Signature Date

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February 03, 2021

Date of Service (For FINRA Dispute Resolution Services use only)