

**Award**  
**FINRA Dispute Resolution Services**

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In the Matter of the Arbitration Between:

Claimant  
Ryan Szamosszegi

Case Number: 20-03493

vs.

Respondent  
TD Ameritrade, Inc.

Hearing Site: Los Angeles, California

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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. Member

This case was decided by a majority-public panel.

**REPRESENTATION OF PARTIES**

Claimant Ryan Szamosszegi (“Claimant”) appeared pro se.

For Respondent TD Ameritrade, Inc. (“Respondent”): Kendra S. Canape, Esq., Gordon Rees Scully Mansukhani, LLP, Irvine, California.

**CASE INFORMATION**

Statement of Claim filed on or about: October 10, 2020.  
Claimant signed the Submission Agreement: October 10, 2020.

Statement of Answer filed by Respondent on or about: December 21, 2020.  
Respondent signed the Submission Agreement: December 21, 2020.

**CASE SUMMARY**

In the Statement of Claim, Claimant asserted the following causes of action: breach of fiduciary duty and negligence claims. The causes of action relate to Sunworks, Inc. stock.

In the Statement of Answer, Respondent denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

**RELIEF REQUESTED**

In the Statement of Claim, Claimant requested compensatory damages in the amount of \$1,080,000.00.

In the Statement of Answer, Respondent requested:

1. Claimant take nothing by way of his Statement of Claim and that this matter be dismissed in its entirety, with prejudice;
2. Claimant be taxed with the costs of this suit; and
3. Other such relief as the Arbitration Panel deems just and equitable.

### **OTHER ISSUES CONSIDERED AND DECIDED**

The Arbitrators acknowledge having read the pleadings and other materials filed by the parties.

On June 23, 2021, Respondent filed a Motion to Dismiss pursuant to Rule 12212(c) of the Code of Arbitration Procedure ("Code"). No responses were filed. On August 16, 2021, the Panel heard oral arguments on the Motion to Dismiss. That same day, the Panel granted the Motion to Dismiss on the following grounds: The Panel finds that dismissal with prejudice is appropriate under Rule 12212 of the Code, as Claimant failed to comply with the Chairperson's June 4, 2021 discovery-related Order; Claimant also failed to respond to Respondent's requests for production and documents and information; and finally, Claimant failed to prosecute this action.

The Award in this matter may be executed in counterpart copies.

### **AWARD**

After considering the pleadings, the testimony and evidence presented at the August 16, 2021, recorded pre-hearing conference, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimant's claims are dismissed with prejudice pursuant to Rule 12212 of the Code.
2. Any and all claims for relief not specifically addressed herein are denied.

### **FEES**

Pursuant to the Code, the following fees are assessed:

#### **Filing Fees**

FINRA Dispute Resolution Services assessed a filing fee\* for each claim:

Initial Claim Filing Fee = \$ 2,000.00

*\*The filing fee is made up of a non-refundable and a refundable portion.*

#### **Member Fees**

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. Accordingly, as a party, Respondent is assessed the following:

Member Surcharge	= \$	3,025.00
Member Process Fee	= \$	6,175.00

**Discovery-Related Motion Fees**

Fees apply for each decision rendered on a discovery-related motion.

One (1) decision on a discovery-related motion on the papers with one (1) Arbitrator @ \$200.00/decision	= \$	200.00
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Respondent submitted one (1) discovery-related motion

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Total Discovery-Related Motion Fees	= \$	200.00
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The Arbitrator has assessed the total discovery-related motion fees to Claimant.

**Hearing Session Fees and Assessments**

The Arbitrator has assessed hearing session fees for each session conducted. A session is any meeting between the parties and the Arbitrators, including a pre-hearing conference with the Arbitrators, which lasts four (4) hours or less. Fees associated with these proceedings are:

Two (2) pre-hearing sessions with the Panel @ \$1,400.00/session	= \$	2,800.00
Pre-Hearing Conferences: February 16, 2021	1 session	
August 16, 2021	1 session	

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Total Hearing Session Fees	= \$	2,800.00
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The Arbitrator has assessed \$2,100.00 of the hearing session fees to Claimant.

The Arbitrator has assessed \$700.00 of the hearing session fees to Respondent.

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

**ARBITRATION PANEL**

Robert E. Jenks	-	Public Arbitrator, Presiding Chairperson
H. Stuart Waxman	-	Public Arbitrator
Edward Banian	-	Non-Public Arbitrator

I, the undersigned Arbitrator, do hereby affirm that I am the individual described herein and who executed this instrument, which is my award.

**Concurring Arbitrators' Signatures**

***Robert E. Jenks***

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Robert E. Jenks  
Public Arbitrator, Presiding Chairperson

**08/18/2021**

\_\_\_\_\_  
Signature Date

***H. Stuart Waxman***

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H. Stuart Waxman  
Public Arbitrator

**08/18/2021**

\_\_\_\_\_  
Signature Date

***Edward Banian***

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Edward Banian  
Non-Public Arbitrator

**08/19/2021**

\_\_\_\_\_  
Signature Date

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August 19, 2021

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