

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

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In the Matter of the Arbitration Between:

Claimants

William Donisch and  
Bernadette Melanie Donisch

Case Number: 20-03915

vs.

Respondent

TD Ameritrade, Inc.

Hearing Site: Chicago, Illinois

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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: Customers vs. Member

**REPRESENTATION OF PARTIES**

Claimants William Donisch and Bernadette Melanie Donisch (“Claimants”) appeared pro se.

For Respondent TD Ameritrade, Inc. (“Respondent”): Amanda H. Wright, Esq., TD Ameritrade, Inc., Omaha, Nebraska.

**CASE INFORMATION**

Statement of Claim filed on or about: January 4, 2021.

Claimants signed the Submission Agreement: December 29, 2020.

Statement of Answer filed on or about: March 3, 2021.

Respondent signed the Submission Agreement: February 24, 2021.

**CASE SUMMARY**

In the Statement of Claim, Claimants alleged that a representative for Respondent did not provide complete instructions regarding extended hours trading and, as a result, Claimants’ trades on July 28, 2020 did not go through.

Unless specifically admitted 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, Claimants requested \$61,505.00 in compensatory damages.

In the Statement of Answer, Respondent requested that Claimants' Statement of Claim be denied in its entirety with prejudice.

At the hearing, Claimants requested \$38,080.00 in damages.

**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 testimony and evidence presented at the hearing, and any post-hearing submissions, the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

Claimants' claims are denied in their entirety.

**FEES**

Pursuant to the Code of Arbitration Procedure, the following fees are assessed:

**Filing Fees**

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

Initial Claim Filing Fee = \$ 975.00

*\*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 = \$ 1,100.00  
Member Process Fee = \$ 2,250.00

**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 = \$ 200.00  
with one (1) Arbitrator @ \$200.00/decision

Claimants submitted one (1) discovery-related motion

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Total Discovery-Related Motion Fees = \$ 200.00

The Arbitrator has assessed the total discovery-related motion fees jointly and severally to Claimants.

**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 Arbitrator, including a pre-hearing conference with the Arbitrator, which lasts four (4) hours or less. Fees associated with these proceedings are:

One (1) pre-hearing session @ \$450.00/session		= \$	450.00
Pre-Hearing Conference: May 4, 2021	1 session		
One (1) hearing session @ \$450.00/session		= \$	450.00
Hearing: July 15, 2021	1 session		
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Total Hearing Session Fees		= \$	900.00

The Arbitrator has assessed \$675.00 of the hearing session fees jointly and severally to Claimants.

The Arbitrator has assessed \$225.00 of the hearing session fees to Respondent.

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

**ARBITRATOR**

Marilee Roberg

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Sole 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.

**Arbitrator's Signature**

***Marilee Roberg***

Marilee Roberg  
Sole Public Arbitrator

**08/02/2021**

Signature Date

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August 02, 2021

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