

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
Rupesh Parajuli

Case Number: 21-00465

vs.

Respondent
TD Ameritrade, Inc.

Hearing Site: Hartford, Connecticut

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

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

REPRESENTATION OF PARTIES

Claimant Rupesh Parajuli appeared pro se.

For Respondent TD Ameritrade, Inc.: Brandon K. Hemley, Esq., Charles Schwab & Co., Inc., San Francisco, California.

CASE INFORMATION

Statement of Claim filed on or about: February 19, 2021.

Rupesh Parajuli signed the Submission Agreement: February 19, 2021.

Statement of Answer filed by Respondent on or about: April 14, 2021.

TD Ameritrade, Inc. signed the Submission Agreement: April 14, 2021.

CASE SUMMARY

In the Statement of Claim, Claimant asserted the following causes of action: breach of fiduciary duty; breach of FINRA rules; and negligence. The causes of action relate to multiple securities.

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, Claimant requested: recovery of all losses that Claimant suffered due to his investment in Respondent's trading platform: *think or swim*; return of all amounts paid as trading fees applied to the trading platform; return of all interest paid/incurred on margins; fees and costs, including appropriate compensation for Claimant's pro se representation, and all arbitration related costs; punitive damages; and such other relief the Panel deems just and proper. Claimant requested total damages in the amount of \$45,000.00.

In the Statement of Answer, Respondent requested that Claimant's Statement of Claim be dismissed; that all FINRA forum and hearing session fees be assessed solely to Claimant; and for such further relief as deemed appropriate.

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:

1. Claimant's claims are denied in their entirety.
2. Any and all claims for relief not specifically addressed herein, including any requests for punitive damages, are denied.
3. FINRA Dispute Resolution Services shall retain the \$600.00 filing fee that Claimant deposited previously.
4. Respondent is liable for and shall pay to Claimant \$600.00 to reimburse Claimant for the filing fee previously paid to FINRA Dispute Resolution Services.

FEES

Pursuant to the Code:

Respondent has paid to FINRA Dispute Resolution Services the \$750.00 Member Surcharge Fee and \$1,750.00 Member Process Fee previously invoiced.

ARBITRATOR

Diane Ciccone

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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

Diane Ciccone

Diane Ciccone
Sole Public Arbitrator

06/17/2021

Signature Date

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.

June 21, 2021

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