

Award
FINRA Dispute Resolution Services

In the Matter of the Arbitration Between:

Claimant
David Anderson

Case Number: 21-00506

vs.

Respondent
TD Ameritrade, Inc.

Hearing Site: Nashville, Tennessee

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.

The evidentiary hearing was conducted by videoconference.

REPRESENTATION OF PARTIES

Claimant David Anderson appeared pro se.

For Respondent TD Ameritrade, Inc.: Garrett R. Wynne, Esq., Charles Schwab & Co., Inc., Lone Tree, Colorado.

CASE INFORMATION

Statement of Claim filed on or about: February 26, 2021.

David Anderson signed the Submission Agreement: February 26, 2021.

Statement of Answer filed by Respondent on or about: April 20, 2021.

TD Ameritrade, Inc. signed the Submission Agreement: April 20, 2021.

CASE SUMMARY

In the Statement of Claim, Claimant asserted the following causes of action: gross negligence and unfair practices. The causes of action relate to the selling of shares of Tesoro Enterprises, Inc. ("TSNP") on August 17, 2020.

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: return of the TSNP shares; any logical damages such as costs in retrieving and obtaining them; court costs; and filing fees.

In the Statement of Answer, Respondent requested: that the Panel dismiss the claims made in the Statement of Claim; assess all forum fees against Claimant; and award such other and further relief to Respondent as the Panel deems appropriate.

OTHER ISSUES CONSIDERED AND DECIDED

The Arbitrators acknowledge that they have each read the pleadings and other materials filed by the parties.

During the evidentiary hearing on February 10, 2022, and after the conclusion of Claimant's case-in-chief, Respondent made an ore tenus Motion to Dismiss pursuant to Rule 12504(b) of the Code of Arbitration Procedure ("Code"). The Panel granted the Motion.

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

AWARD

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

1. Claimant's claims are dismissed in their entirety with prejudice pursuant to Rule 12504(b) of the Code.

FEES

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

Filing Fees

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

| | | |
|--------------------------|------|----------|
| Initial Claim Filing Fee | = \$ | 1,575.00 |
|--------------------------|------|----------|

**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 that employed the associated person at the time of the event giving rise to the dispute. Accordingly, as a party, Respondent is assessed the following:

| | | |
|--------------------|------|----------|
| Member Surcharge | = \$ | 1,900.00 |
| Member Process Fee | = \$ | 3,750.00 |

Hearing Session Fees and Assessments

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

| | | |
|---|-----------|----------|
| One (1) pre-hearing session with the Panel @ \$1,125.00/session | = \$ | 1,125.00 |
| Pre-Hearing Conference: June 24, 2021 | 1 session | |

| | | |
|---|-----------|----------|
| One (1) hearing session with the Panel @ \$1,125.00/session | = \$ | 1,125.00 |
| Hearing: February 10, 2022 | 1 session | |

| | | |
|----------------------------|------|----------|
| Total Hearing Session Fees | = \$ | 2,250.00 |
|----------------------------|------|----------|

The Panel has assessed \$1,125.00 of the hearing session fees to Claimant.

The Panel has assessed \$1,125.00 of the hearing session fees to Respondent.

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

ARBITRATION PANEL

| | | |
|-----------------------|---|--|
| Roger C. Benson | - | Public Arbitrator, Presiding Chairperson |
| James A. McIntosh | - | Public Arbitrator |
| Robert Lane Arrington | - | 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

Roger C. Benson

Roger C. Benson
Public Arbitrator, Presiding Chairperson

02/15/2022

Signature Date

James A. McIntosh

James A. McIntosh
Public Arbitrator

02/15/2022

Signature Date

Robert Lane Arrington

Robert Lane Arrington
Non-Public Arbitrator

02/15/2022

Signature Date

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February 15, 2022

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