

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

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In the Matter of the Arbitration Between:

Claimant  
Mark D. Mills

Case Number: 21-01045

vs.

Respondent  
Vanguard Marketing Corporation

Hearing Site: Boca Raton, Florida

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

**REPRESENTATION OF PARTIES**

Claimant Mark D. Mills appeared pro se.

For Respondent Vanguard Marketing Corporation (“Vanguard”): Bryan M. Ward, Esq., Holcomb & Ward, LLP, Atlanta, Georgia.

**CASE INFORMATION**

Statement of Claim filed on or about: April 21, 2021.

Mark D. Mills signed the Submission Agreement: April 21, 2021.

Statement of Answer filed on or about: July 9, 2021.

Vanguard Marketing Corporation signed the Submission Agreement: July 9, 2021.

**CASE SUMMARY**

In the Statement of Claim, Claimant asserted the causes of action of unauthorized trading and execution error. The causes of action relate to Claimant’s investment in Moderna stock in his Individual Retirement Account.

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 \$9.23 per share of 1951 shares, for a total of \$18,010.00.

In the Statement of Answer, Respondent requested that Claimant's claims be denied.

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

The Arbitrator acknowledges having read the pleadings and other materials filed by the parties, including having listened to the recording of the subject phone call.

### **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. The evidence, and in particular the recording of the subject call, are consistent with Respondent's position. While it is unfortunate that Claimant did not either complete the transaction he wanted, or ask Respondent to do so, that was due to no fault of Respondent. Respondent's employee who took Claimant's call was clear and professional. Claimant did not request that Respondent's employee do anything that he didn't do, even when asked if there was anything else he could do for him. Respondent's employee did not represent that he had confirmed Claimant had completed the order. There is no evidence of breach of any duty by Respondent.
2. Claimant's claims are denied in their entirety.
3. Any and all claims for relief not specifically addressed herein, including any requests for punitive damages, treble damages, and attorneys' fees, are denied.
4. FINRA Dispute Resolution Services shall retain the \$425.00 filing fee that Claimant deposited previously.

### **FEES**

Pursuant to the Code:

1. Respondent Vanguard has paid to FINRA Dispute Resolution Services the \$450.00 Member Surcharge previously invoiced.

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

**ARBITRATOR**

Will Murphy

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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**

***Will Murphy***

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Will Murphy  
Sole Public Arbitrator

**09/02/2021**

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Signature Date

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September 02, 2021

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