

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 03-01051

David A. Tuch, IRA and Barbara L. Tuch, IRA, Claimants vs. David Mitchell, Dana Teculver, and Fidelity Brokerage Services LLC, Respondents.

ATTORNEYS:

Claimants, David A. Tuch and Barbara L. Tuch ("Claimants") appeared pro se., Oconomowoc, WI.

Respondents, David Mitchell, Dana Teculver, and Fidelity Brokerage Services LLC., (collectively "Respondents") appeared through their in-house counsel, Colleen A. Hankins, Esq. Boston, MA.

DATE FILED: February 12, 2003

CASE SUMMARY: Claimants alleged that Respondents were negligent, misrepresented facts and made unsuitable investments regarding their IRA Rollover accounts. Claimants further alleges that respondents made unauthorized and excessive trades in their accounts. Claimants maintained that because of Respondents' actions, their accounts suffered losses. Claimants' claims involved corporate bonds, Fidelity Blue Chip Growth Fund and various mutual funds.

Claim Data

Claim: \$25,000.00
Filing Fees: \$425.00
Other: Unspecified

Award Data

Award: \$.00
Filing Fees: \$425.00
Other: \$.00

AWARD: The undersigned arbitrator has decided and determined in full and final resolution of the issues submitted for determination as follows: 1) The claims of Claimants are dismissed in their entirety. 2) All other relief requests are denied. 3) The \$425.00 filing fee previously deposited with NASD Dispute Resolution by the Claimants, shall be retained by NASD Dispute Resolution. 4) Respondent, Fidelity Brokerage Services LLC is liable and shall pay Claimants \$425.00 as reimbursement of the filing fee.

OTHER FEES: Pursuant to Rule 10333 of the Code, Respondent, Fidelity Brokerage Services, LLC has paid to NASD Dispute Resolution the \$425.00 Member Surcharge previously invoiced.


Randall B. Gold, Esq.

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Sole Public Arbitrator

AFFIRMATION

I, Randall B. Gold, Esq., do hereby affirm, upon my oath as arbitrator that I am the individual described herein who executed this instrument, which is my oath and award.



Randall B. Gold, Esq.

6/9/03

Signature Date

June 18, 2003

Date of Service (For NASD-DR office use only)