

**NASD DISPUTE RESOLUTION AWARD**  
**NASD DISPUTE RESOLUTION**

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CASE: 05-03206

Jeffrey A. Topham and Amy S. Coon, (Claimants) vs. Fidelity Brokerage Services LLC and Fidelity Investments Inc., (Respondents)

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**ATTORNEYS:**

For Claimants appeared Gail Boliver, Esq., of the Boliver Law Firm, Griswald, IA.

For Respondent Fidelity Brokerage Services LLC appeared in-house counsel Bryan G. Killian, Esq., Boston, MA.

Respondent Fidelity Investments Inc. did not submit an Answer to the Statement of Claim.

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**NATURE OF DISPUTE:** Customer vs. Member and Non-Member

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**DATE FILED:** June 21, 2005

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**CASE SUMMARY:** Claimants alleged that Respondents concealed material information regarding their investments. Claimants further alleged fraud, negligence, failure to supervise and breach of state and federal laws. Claimants maintained that due to Respondents' actions, they suffered a financial loss. Claimants' claim involved unspecified securities products.

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**Claim Data**

Claim: \$19,486.00  
Interest: Unspecified  
Attorney Fees: Unspecified  
Filing Fees: \$.00  
Other: Unspecified

**Award Data**

Award: \$19,486.00  
Interest: \$.00  
Attorney Fees: \$.00  
Filing Fees: \$212.50  
Other: \$.00

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**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 the Claimants against Respondent Fidelity Investments Inc. are dismissed in their entirety. 2) Respondent Fidelity Brokerage Services LLC is solely liable and shall pay to the Claimants \$19,486.00. 3) All requests for attorney fees are denied. 4) All requests for interest are denied. 5) All other relief requests are denied. 6) NASD Dispute Resolution shall retain the \$425.00 filing fee that the Claimants deposited previously. 7) Respondent Fidelity Brokerage Services LLC is solely liable and shall pay Claimants \$212.50 as reimbursement of one half of the filing fee.

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Page Two

Award 05-03206

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.

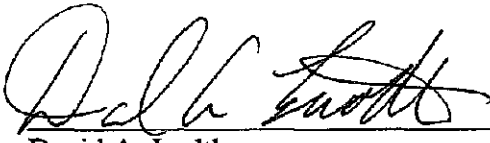
Page Three  
Award 05-03206

David A. Ludtke

- Sole Public Arbitrator

AFFIRMATION

I, David A. Ludtke, 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.

  
David A. Ludtke

12-02-05  
(Signature Date)

DECEMBER 19, 2005  
Date of Service (For NASD-DR office use only)