

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

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CASE: 05-05048

William Ruhe, IRA, (Claimant) vs. Fidelity Brokerage Services, LLC, (Respondent)

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**ATTORNEYS:**

For Claimant appeared Scott A. Lane, Esq., of the firm Edgar Snyder & Associates, LLC, Pittsburgh, PA.

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

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**NATURE OF DISPUTE:** Customer vs. Member

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**DATE FILED:** September 22, 2005

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**CASE SUMMARY:** Claimant alleged that Respondent breached its fiduciary duty by misappropriating funds from his account. Claimant further alleged negligence, breach of contract, violation of securities laws and fraud. Claimant maintained that due to Respondent's actions, he suffered a financial loss. Claimant's claim did not specify any securities products.

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**Claim Data**

Claim: \$5,400.00

Punitive: Unspecified

Treble: \$10,800.00

Interest: Unspecified

Attorney Fees: Unspecified

Filing Fees: Unspecified

**Award Data**

Award: \$5,400.00

Punitive: \$.00

Treble: \$.00

Interest: granted at the rate of 6% per annum from 10/1/02-date of award.

Attorney Fees: \$1,080.00

Filing Fees: \$425.00

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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) Respondent is liable and shall pay to the Claimant \$5,400.00. 2) Respondent is liable and shall pay to the Claimant \$1,080.00 for attorney fees pursuant to Pennsylvania Unfair Trade Practices and Consumer Protection Law and the Pennsylvania Securities Act. 3) Respondent is liable and shall pay to the Claimant interest at the rate of 6% per annum from October 1, 2002 until the date of this award. 4) All requests for punitive damages are denied. 5) All requests for treble damages are denied. 6) All other relief requests are denied. 7) NASD Dispute Resolution shall retain the \$425.00 filing fee that the Claimant deposited previously. 8) Respondent is liable and shall pay Claimant \$425.00 as reimbursement of the filing fee.

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

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**OTHER ISSUES:** Pursuant to the By-Laws of NASD Dispute Resolution, the arbitrator determined that Respondent Fidelity Brokerage Services, LLC was served notice of the Statement of Claim and Notification of Arbitrator by regular mail, and Overdue Notice by certified mail, as evidenced by the signed signature card on file and is therefore bound by the arbitrator's ruling and determination.

Award 05-05048

Gregory T. Artim, Esq.

Sole Public Arbitrator

**AFFIRMATION**

I, Gregory T. Artim, 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.



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Gregory T. Artim, Esq.

5-4-2006

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(Signature Date)

**May 5, 2006**

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