

NASD DISPUTE RESOLUTION AWARD
NASD DISPUTE RESOLUTION

CASE: 06-03953

Timothy L. Turnbull, (Claimant) vs. TD Ameritrade, Inc., (Respondent)

ATTORNEYS:

Claimant appeared *pro se*, Atlanta, GA.

For Respondent appeared in-house counsel James J. Vihstadt, Esq., Bellevue, NE.

NATURE OF DISPUTE: Customer vs. Member

DATE FILED: August 28, 2006

CASE SUMMARY: Claimant alleged that Respondent breached its fiduciary duty by failing to execute his trading instruction. Claimant further alleged breach of contract, negligence, failure to supervise and loss of opportunity. Claimant maintained that due to Respondent's actions, he suffered a financial loss. Claimant's claim involved common stock and warrants.

Claim Data

Claim: \$.2,500.00

Punitive: \$2,500.00

Interest: Unspecified

Filing Fees: \$175.00

Other: Demand an apology

Award Data

Award: \$2,500.00

Punitive: \$.00

Interest: granted at the rate of 4%
per annum from 1/26/06-1/26/07

Filing Fees: \$175.00

Other: denied

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 \$2,500.00. 2) Respondent is liable and shall pay to the Claimant interest at the rate of 4% per annum from January 26, 2006 to January 26, 2007. 3) All requests for punitive damages are denied. 4) All other relief requests are denied. 5) NASD Dispute Resolution shall retain the \$175.00 filing fee that the Claimant deposited previously. 6) Respondent is liable and shall pay Claimant \$175.00 as reimbursement of the filing fee.

OTHER FEES: Pursuant to Rule 10333 of the Code, Respondent has paid to NASD Dispute Resolution the \$200.00 Member Surcharge previously invoiced.


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Award 06-03953

Daniel E. Gulden, Esq.

Sole Public Arbitrator

AFFIRMATION

I, Daniel E. Gulden, 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.



Daniel E. Gulden, Esq.



(Signature Date)

January 31, 2007

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