

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

---

In the Matter of the Arbitration Between:

Claimant  
Rose Gugliemetti

Case Number: 12-04073

vs.

Respondents  
TD Ameritrade, Inc.  
TD Bank USA N.A.

Hearing Site: Philadelphia, Pennsylvania

---

Nature of the Dispute: Customer vs. Member and Non-Member

**REPRESENTATION OF PARTIES**

For Claimant Rose Gugliemetti: Scudder G. Stevens, Esq., Scudder G. Stevens, P.A., Kennett Square, Pennsylvania.

For Respondents TD Ameritrade, Inc. and TD Bank USA N.A., hereinafter collectively referred to as "Respondents": Hollie M. Mason, Esq., TD Ameritrade, Inc., Omaha, Nebraska.

**CASE INFORMATION**

Statement of Claim filed on or about: November 27, 2012.

Rose Gugliemetti signed the Submission Agreement: November 6, 2012.

Joint Statement of Answer filed by Respondents on or about: March 6, 2013.

TD Ameritrade, Inc. signed the Submission Agreement: March 6, 2013.

TD Bank USA N.A. signed the Submission Agreement: March 6, 2013.

**CASE SUMMARY**

Claimant asserted the following causes of action: breach of contract and breach of fiduciary duty. The causes of action relate to unspecified securities.

Unless specifically admitted in their Answer, Respondents denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

### **RELIEF REQUESTED**

In the Statement of Claim, Claimant requested compensatory damages in the amount of \$38,429.73, interest, and costs.

At the hearing, Claimant also requested interest and interest charged on the margin account in the amount of \$250.00.

Respondents requested the dismissal of the Statement of Claim in its entirety.

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

The Arbitrator acknowledges that she has read the pleadings and other materials filed by the parties.

### **AWARD**

After considering the pleadings, the testimony and evidence presented at the hearing, the Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondents are jointly and severally liable for and shall pay to Claimant compensatory damages in the amount of \$13,750.00.
2. Any and all relief not specifically addressed herein is denied.

### **FEES**

Pursuant to the Code, the following fees are assessed:

#### **Filing Fees**

FINRA Dispute Resolution assessed a filing fee\* for each claim:

Initial Claim Filing Fee	= \$ 600.00
--------------------------	-------------

*\*The filing fee is made up of a non-refundable and a refundable portion.*

#### **Member Fees**

Member fees are assessed to each member firm that is a party in these proceedings or to the member firms that employed the associated person at the time of the events giving rise to the dispute. Accordingly, as a party, TD Ameritrade, Inc. is assessed the following:

Member Surcharge	= \$ 875.00
Pre-Hearing Processing Fee	= \$ 750.00
Hearing Processing Fee	= \$ 1,000.00

### **Adjournment Fees**

Adjournments granted during these proceedings for which fees were assessed:

December 11-12, 2013 adjournment by Respondents	Waived
May 14-15, 2014, adjournment by parties	Waived

### **Discovery-Related Motion Fees**

Fees apply for each decision rendered on a discovery-related motion.

One (1) Decision on discovery-related motion on the papers with one (1) arbitrator @ \$200.00	= \$ 200.00
--	-------------

Respondent submitted one (1) discovery-related motion	
<hr/> Total Discovery-Related Motion Fees	= \$ 200.00

1. The Arbitrator has assessed \$100.00 of the discovery-related motion fees to Claimant.
2. The Arbitrator has assessed \$100.00 of the discovery-related motion fees jointly and severally to Respondents.

### **Hearing Session Fees and Assessments**

The Arbitrator has assessed hearing session fees for each session conducted. A session is any meeting between the parties and the arbitrator, including a pre-hearing conference with the arbitrator, that lasts four (4) hours or less. Fees associated with these proceedings are:

Two (2) Pre-hearing sessions with Arbitrator @ \$450.00	= \$ 900.00
Pre-hearing conferences: May 23, 2013	1 session
May 2, 2014	1 session

Four (4) Hearing sessions with Arbitrator @ \$450.00	= \$ 1,800.00
Hearing Dates: September 24, 2014	2 sessions
September 25, 2014	2 sessions

<hr/> Total Hearing Session Fees	= \$ 2,700.00
----------------------------------	---------------

1. The Arbitrator has assessed \$1,350.00 of the hearing session fees to Claimant.
2. The Arbitrator has assessed \$1,350.00 of the hearing session fees jointly and severally to Respondents.

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

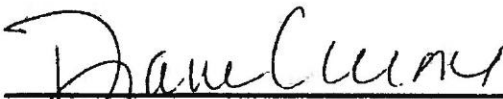
**ARBITRATOR**

Diane Ciccone

- 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



Diane Ciccone  
Sole Public Arbitrator

10.16.14  
Signature Date

October 16, 2014

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