In the Matter of the Arbitration Between:

Claimant Bonnie June Taylor

vs.

Respondents TD Ameritrade, Inc. and Charles Schwab & Co., Inc.

Nature of the Dispute: Customer vs. Members

This case was decided by an all-public panel.

REPRESENTATION OF PARTIES

Claimant Bonnie June Taylor ("Claimant") appeared pro se.

For Respondent TD Ameritrade, Inc. ("TD Ameritrade"): Amanda Helm Wright, Esq., TD Ameritrade, Inc., Omaha, Nebraska.


CASE INFORMATION

Statement of Claim filed on or about: July 13, 2019.
Amended Statement of Claim filed on or about: August 27, 2019.
Response to TD Ameritrade’s Statement of Answer to Amended Statement of Claim filed on or about October 7, 2019.
Claimant signed the Submission Agreement: July 12, 2019.

Statement of Answer filed by TD Ameritrade on or about: September 4, 2019.
Statement of Answer to Amended Statement of Claim filed by TD Ameritrade on or about: September 25, 2019.
TD Ameritrade signed the Submission Agreement: September 4, 2019.

Statement of Answer to Amended Statement of Claim filed by Charles Schwab on or about: September 24, 2019.
CASE SUMMARY

In the Statement of Claim and Amended Statement of Claim, Claimant asserted negligence as the cause of action. The cause of action relates to Claimant’s allegation that the co-beneficiary of a trust account was allowed to illegally remove assets from the account.

Unless specifically admitted in the Statement of Answer and Statement of Answer to Amended Statement of Claim, TD Ameritrade denied the allegations made in the Statement of Claim and Amended Statement of Claim and asserted various affirmative defenses.

In the Response to TD Ameritrade’s Statement of Answer to Amended Statement of Claim, Claimant refuted TD Ameritrade’s assertions.

Unless specifically admitted in the Statement of Answer to Amended Statement of Claim, Charles Schwab 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 of $44,334.00, an unspecified sum for emotional suffering and financial loss, an award for costs and expenses as the Panel deems appropriate and just, and that trust account statements be released to her. In the Amended Statement of Claim, Claimant requested total compensatory damages of $150,000.00 and incorporated all of the other relief requests from the Statement of Claim.

In the Statement of Answer and Statement of Answer to Amended Statement of Claim, TD Ameritrade requested that the Panel deny Claimant’s Statement of Claim in its entirety and order Claimant to reimburse TD Ameritrade for all costs and fees related to this action.

In the Response to TD Ameritrade’s Statement of Answer to Amended Statement of Claim, Claimant requested that TD Ameritrade’s relief request be denied.

In the Statement of Answer to Amended Statement of Claim, Charles Schwab requested that the Panel dismiss Claimant’s Amended Statement of Claim in its entirety, assess all forum fees and costs against Claimant, and grant such other relief as the Panel deems just and proper.
OTHER ISSUES CONSIDERED AND DECIDED

The Arbitrators acknowledge that they have each read the pleadings and other materials filed by the parties.

On or about September 4, 2019, TD Ameritrade filed a Motion to Dismiss pursuant to Rule 12206 of the Code of Arbitration Procedure (“Code”) (“TD Ameritrade’s Motion to Dismiss”). On or about September 9, 2019, Claimant filed a Response to TD Ameritrade’s Motion to Dismiss. On or about October 28, 2019, TD Ameritrade filed a Reply in Support of its Motion to Dismiss. On October 29, 2019 and November 4, 2019, Claimant filed supplemental briefs in opposition to TD Ameritrade’s Motion to Dismiss.

On or about September 24, 2019, Charles Schwab filed a Motion to Dismiss pursuant to Rule 12206 of the Code (“Charles Schwab’s Motion to Dismiss”). On or about October 17, 2019, Claimant filed a Response to Charles Schwab’s Motion to Dismiss.

On or about October 21, 2019, Claimant filed a Notice of Dismissal, withdrawing her claims against Charles Schwab with prejudice. Thereafter, Charles Schwab’s Motion to Dismiss was moot.

On December 2, 2019, the Panel heard oral arguments on TD Ameritrade’s Motion to Dismiss. The Panel herein grants TD Ameritrade’s Motion to Dismiss pursuant to Rule 12206 of the Code on the following grounds:

Claimant became aware of the facts and circumstances that gave rise to her claim in the spring of 2000. She did not initiate this arbitration proceeding to recover her damages until July of 2019, more than 19 years after the events giving rise to her claim. FINRA Arbitration Rule 12206(a) provides that “No claim shall be eligible for submission to arbitration under the Code where six years have elapsed from the occurrence or event giving rise to the claim.” The Panel considered, but was not persuaded by Claimant's arguments for an exception to enforcement of the six-year eligibility rule in this case. Therefore, the Panel finds the claim is not eligible for arbitration because it was untimely filed and grants TD Ameritrade’s Motion to Dismiss.

TD Ameritrade’s Motion to Dismiss pursuant to Rule 12206 of the Code is granted by the Panel without prejudice to any right the Claimant has to file in court; the Claimant is not prohibited from pursuing her claims in a court pursuant to Rule 12206(b) of the Code.

AWARD

After considering the pleadings, TD Ameritrade’s Motion to Dismiss, including all responsive pleadings, documents, and exhibits submitted therewith, and the arguments presented at the pre-hearing conference, the Panel has decided in full and final resolution of the issues submitted for determination as follows:
1. Claimant’s claims against TD Ameritrade are dismissed in their entirety pursuant to FINRA Rule 12206.

2. Other than forum fees which are specified below, the parties shall each bear their own costs and expenses incurred in this matter.

3. Any and all claims for relief not specifically addressed herein are denied.

FEES

Pursuant to the Code, the following fees are assessed:

**Filing Fees**
FINRA Office of Dispute Resolution assessed a filing fee* for each claim:

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<tr>
<th>Initial Claim Filing Fee</th>
<th>= $1,425.00</th>
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*The filing fee is made up of a non-refundable and a refundable portion.*

FINRA Office of Dispute Resolution previously deferred Claimant’s filing fee of $1,425.00. Upon conclusion of the matter, the Panel determined to waive the fee.

**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 persons at the time of the events giving rise to the dispute. Accordingly, as parties, TD Ameritrade and Charles Schwab are each assessed the following:

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<tr>
<th>Member Surcharge</th>
<th>= $1,700.00</th>
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<tr>
<td>Member Process Fee</td>
<td>= $3,250.00</td>
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**Hearing Session Fees and Assessments**
The Panel has assessed hearing session fees for each session conducted. A session is any meeting between the parties and the arbitrator(s), including a pre-hearing conference with the arbitrator(s), that lasts four (4) hours or less. Fees associated with these proceedings are:

| Two (2) pre-hearing sessions with the Panel @ $1,125.00/session | = $2,250.00 |
| Pre-hearing conferences: October 21, 2019 | 1 session |
| December 2, 2019 | 1 session |

**Total Hearing Session Fees**
= $2,250.00

The Panel has assessed $1,125.00 of the hearing session fees jointly and severally to TD Ameritrade and Charles Schwab.

The Panel has assessed $1,125.00 of the hearing session fees to TD Ameritrade.
All balances are payable to FINRA Office of Dispute Resolution and are due upon receipt.
**ARBITRATION PANEL**

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<thead>
<tr>
<th>Name</th>
<th>Title</th>
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<tbody>
<tr>
<td>David J. Hase</td>
<td>Public Arbitrator, Presiding Chairperson</td>
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<tr>
<td>Jerry D. McCormack</td>
<td>Public Arbitrator</td>
</tr>
<tr>
<td>Jessica Gibson</td>
<td>Public Arbitrator</td>
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I, the undersigned Arbitrator, do hereby affirm that I am the individual described herein and who executed this instrument, which is my award.

**Concurring Arbitrators' Signatures**

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<td>David J. Hase</td>
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<tr>
<td>Jerry D. McCormack</td>
<td>12/15/2019</td>
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<tr>
<td>Jessica Gibson</td>
<td>12/17/2019</td>
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December 17, 2019
Date of Service (For FINRA Office of Dispute Resolution office use only)