

Award
FINRA Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimants

Everett C. Ross, individually, and
as trustee of Everett C. and
Imogene G. Ross T U/A DTD
10/11/1990 and

Imogene G. Ross, individually, and as trustee of Everett
C. and Imogene G. Ross T U/A DTD
10/11/1990

Case Number: 08-02082

Name of the Respondent

Charles Schwab & Co., Inc.

Hearing Site: San Diego, California

Nature of the Dispute: Customers vs. Member

REPRESENTATION OF PARTIES

Claimants, Everett C. Ross, individually ("E. Ross"), and as trustee of Everett C. and Imogene G. Ross T U/A DTD 10/11/1990 ("Trustee Everett Ross"), and Imogene G. Ross, individually ("I. Ross"), and as trustee of Everett C. and Imogene G. Ross T U/A DTD 10/11/1990 ("Trustee Imogene Ross"), hereinafter collectively referred to as "Claimants": Ryan K. Bakhtiari, Esq., Aidikoff, Uhl & Bakhtiari, Beverly Hills, California and David P. Meyer, Esq., David P. Meyer & Associates Co., LPA, Columbus, Ohio

Respondent Charles Schwab & Co., Inc. hereinafter referred to as "Respondent": Stacey M. Garrett, Esq. and Terry Ross, Esq., Keesal, Young & Logan, Long Beach, California

CASE INFORMATION

Statement of Claim filed on or about: June 23, 2008

Claimant E. Ross signed the Submission Agreement: June 20, 2008

Claimant Trustee Everett Ross signed the Submission Agreement: June 20, 2008

Claimant I. Ross signed the Submission Agreement: June 20, 2008

Claimant Trustee Imogene Ross signed the Submission Agreement: June 20, 2008

Statement of Answer filed by Respondent on or about: August 18, 2008

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Respondent signed the Submission Agreement: July 1, 2008

CASE SUMMARY

Claimants asserted the following causes of action: breach of fiduciary duty, breach of a written contract, constructive fraud, fraud by misrepresentation and omission, negligence, respondeat superior, negligent supervision and, violations of California Securities Act. The causes of action relate to transactions in the Schwab YieldPlus Fund.

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

RELIEF REQUESTED

In the Statement of Claim, Claimants requested:

1. Compensatory damages according to proof, but not less than \$318,947.00;
2. Unspecified lost opportunity costs;
3. Costs;
4. Unspecified punitive damages;
5. Interest at the legal rate on all sums recovered;
6. Attorneys' fees and costs;
7. Rescission; and
8. Such other and further relief as this Panel deems just and appropriate.

At the close of the hearing, Claimants requested damages of \$432,189.00.

In its Answer, Respondent requested:

1. The dismissal of Claimants' claims in their entirety;
2. An award of costs; and
3. An award of all other relief as provided by law.

OTHER ISSUES CONSIDERED AND DECIDED

The Panel acknowledges that they have each read the pleadings and other materials filed by the parties.

The parties have agreed that the Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered.

AWARD

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

1. Respondent is liable for and shall pay Trustee Imogene Ross compensatory

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	June 18, 2009	2 sessions	
	June 19, 2009	1 session	
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Total Hearing Session Fees			= \$9,450.00

1. The Panel has assessed \$9,450.00 of the hearing session fees to Respondent.

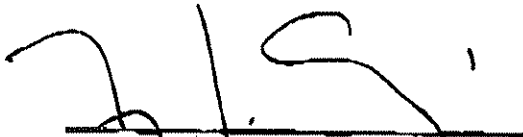
All balances are payable to FINRA Dispute Resolution and are due upon receipt.

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ARBITRATION PANEL

Kevin K. Forrester	-	Public Arbitrator, Presiding Chairperson
Nancy J. Spieczny	-	Public Arbitrator
James H. Fehlberg, CFP	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures



Nancy J. Spieczny
Public Arbitrator

6/29/09
Signature Date

James H. Fehlberg, CFP
Non-Public Arbitrator

Signature Date

Dissenting Arbitrator's Signature

Kevin K. Forrester
Public Arbitrator, Presiding Chairperson

Signature Date

July 14, 2009
Date of Service (For FINRA Dispute Resolution use only)

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Nancy J. Spieczny	-	Public Arbitrator
James H. Fehlberg, CFP	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

Nancy J. Spieczny
Public Arbitrator

Signature Date



James H. Fehlberg, CFP
Non-Public Arbitrator

7/12/09
Signature Date

Dissenting Arbitrator's Signature

Kevin K. Forrester
Public Arbitrator, Presiding Chairperson

Signature Date

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Signature Date

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Non-Public Arbitrator

Signature Date

Dissenting Arbitrator's Signature



Kevin K. Forrester
Public Arbitrator, Presiding Chairperson

6/29/09
Signature Date

July 14, 2009
Date of Service (For FINRA Dispute Resolution use only)