



parties to the action for the reason that such information or documents are not relevant to the subject matter of the pending action or reasonably calculated to lead to the discovery of admissible evidence.

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4. Respondent objects to each Request to the extent it seeks documents or information that are protected from disclosure by the attorney-client privilege and/or the work product doctrine and such information will be withheld. Respondent objects to each Request to the extent that it calls for proprietary information, trade secrets, and/or confidential information.

5. Respondent objects to each Request to the extent that it is not specific or does not relate to the matter in controversy.

6. Respondent objects to each Request to the extent it requires the production of original documents; Respondent reserves the right to maintain custody and control of said originals for the purpose of preserving and safeguarding historical information.

7. The general objections set forth herein are applicable to each Response to the Request. Respondent asserts every privilege to which it is entitled, and any production or disclosure of information does not constitute a waiver of such privileges.

8. Respondent has conducted a good faith search to identify, gather and produce documents responsive to the Request, which it intends to produce in accordance herewith. Respondent reserves the right to supplement these responses.

#### **SPECIFIC OBJECTIONS AND RESPONSES**

All responses below are subject to the above-stated General Objections, as well as any specific objections set forth in connection with a specific Request.

**REQUEST NO. 1:** (a) The account record information for the customer parties, including the customer parties' name, tax identification number, address, telephone number, date of birth, employment status, annual income, net worth, and the account's investment objections; (b) All documents concerning the customer parties' risk tolerance; (c) all agreements with the customer parties, including, but not limited to, account opening documents, and/or forms, cash, margin, option, and discretionary authorization agreements, trading authorizations, and power of attorney.

**RESPONSE:** (a) and (c) See Answer to Statement of Claim – Exhibit #1 (New Account Documents), Exhibit #2 (Client Agreement) Exhibit #4 (Account Statements), Exhibit #5 (Trade Confirmations), Exhibit #6 (OCC Infomemo #25370), Exhibit #7 (Margin Account Handbook), and Exhibit #8 (OCC Rules). (b) Not applicable; accounts at TD Ameritrade are self-managed. While not specifically responsive, please see Response #1 (a) and (c).

**REQUEST NO. 2:** All correspondence sent to the customer parties or received by the firm/associated persons relating to the claims, accounts, transactions, or products or types of products at issue including, but not limited to, documents relating to asset allocation, diversification, trading strategies, and market conditions, and all advertising materials sent to customers of the firm that refer to the products and/or account types that are at issue or that were used by the firm/associated persons to solicit or provide services to the customer parties. (In addition, if requested, the firm/associated persons shall produce confirmation slips and monthly statements. Even if not requested, the firm/ associated persons must produce confirmation slips and monthly statements that have handwritten notations or that are not identical to those the firm sent to the customer parties.)

**RESPONSE:** Respondent produces the enclosed documents limited to the claims at issue.

**REQUEST NO. 3:** All documents evidencing any investment or trading strategies utilized or recommended in the customer parties' accounts, including, but not limited to, options programs, and any supervisory review of such strategies.

**RESPONSE:** Not applicable; accounts at TD Ameritrade are self-managed. While not specifically responsive, please see Response #1.

**REQUEST NO. 4:** For claims alleging unauthorized trading, all documents the firm/ associated persons relied upon to establish that the customer parties authorized the transactions at issue, all documents relating to the customer parties' authorization of the transactions at issue, and all order tickets for the customer parties' transactions at issue.

**RESPONSE:** Not Applicable.

**REQUEST NO. 5:** (a) All materials the firm and/or associated persons prepared or used and/or provided to the customer parties relating to the transactions or products at issue, including research reports, sales materials, performance or risk data, prospectuses, other offering documents, and copies of news articles or outside research, including documents intended or identified as being "for internal use only" (b) All worksheets or notes indicating that the associated persons reviewed or read such documents.

**RESPONSE:** Not Applicable. While not specifically responsive, see Answer to Statement of Claim Exhibits 1-8.

**REQUEST NO. 6:** All notes the firm/associated persons made relating to the customer parties and/or the customer parties' claims, accounts, transactions, or products or types of products at issue, including, but not limited to, entries in any diary or calendar, relating to the claims or products at issue.

**RESPONSE:** Respondent produces the enclosed documents limited to the events at issue.

**REQUEST NO. 7:** (a) All notes or notes or memoranda evidencing supervisory, compliance, or managerial review of the customer parties' accounts or transactions therein or of the associated persons assigned to the customer parties' accounts for the period at issue (b) All correspondence between the customer parties and firm/ associated persons relating to the customer parties' claims, accounts, transactions, or products or types of products at issue bearing indications of managerial, compliance, or supervisory review of such correspondence.

**RESPONSE:** Respondent produces the enclosed documents limited to the events at issue.

**REQUEST NO. 8:** All recordings, telephone logs, and notes or telephone calls or conversations about the transactions at issue that occurred between the associated persons and the customer parties (and any person purporting to act on behalf of the customer parties), and/or between the firm and the associated person(s).

**RESPONSE:** Respondent produces the enclosed documents limited to the events at issue.

**REQUEST NO. 9:** All writings reflecting communications between the associated persons assigned to the customer parties' accounts at issue during the time period at issue and members of the firm's compliance department relating to the securities/products at issue and/or the customer parties' claims, accounts or transactions.

**RESPONSE:** Respondent produces the enclosed documents limited to the events at issue.

**REQUEST NO. 10:** All Forms RE-3, U-4, and U-5 and Disclosure Reporting Pages, including all amendments, for the associated persons assigned to the customer parties' accounts at issue during the time period at issue, redacted to delete associated persons' Social Security numbers, all customer complaints identified in such forms, and all customer complaints filed against the associated persons that were generated not earlier than three years prior to the first transactions at issue through the filing of the Statement of Claim, redacted to prevent the disclosure of non-public personal information of the complaining customers. All analyses and reconciliations of the customer's account(s) during the time period and/or relating to the transaction(s) at issue.

**RESPONSE:** Not applicable; accounts at TD Ameritrade are self-managed. While not specifically responsive, please see Response #1.

**REQUEST NO. 11:** All sections of the firm's manuals and all updates thereto relating to the claims alleged in the statement of claim for all years in which the Statement of Claim alleges that the conduct occurred, including any separate or supplemental manuals governing the duties and responsibilities of the associated persons and supervisors, all bulletins (or similar notices) the firm issued for all years in which the Statement of Claim alleges that the conduct occurred, and the entire table of contents and index to each such manual or bulletin. In responding to this request, the firm must provide a list of all of its manuals and bulletins which may contain directives related to the conduct, claims, or product or types of products at issue in the claim.

**RESPONSE:** See Response #1.

**REQUEST NO. 12:** All analyses and reconciliations of the customer parties' accounts prepared during the time at issue, including, without limitation, those relating to reviews of the customer parties' claims, accounts, transactions, or the product or types of products at issue.

**RESPONSE:** Not applicable; accounts at TD Ameritrade are self-managed. While not specifically responsive, please see Response #1.

**REQUEST NO. 13:** (a) All exception reports, supervisory activity reviews, concentration reports, active account runs and similar documents produced to review for activity in the customer parties' accounts related to the allegations in the Statement of Claim or which the claims, transactions, products or types of products at issue are referenced or listed. (b) For claims alleging failure to supervise, all exception reports, supervisory activity reviews, concentration reports, active account runs, and similar documents produced to review for activity in customer accounts handled by associated persons and relating to the allegations in the Statement of Claim that were generated not earlier than one year before or not later than one year after the transactions at issue.

**RESPONSE:** Not Applicable.

**REQUEST NO. 14:** Those portions of internal audit reports for the branch in which the customer parties' maintained accounts that: (a) concern associated persons or the accounts or transactions at issue; (b) were generated not earlier than one year before or not later than one year after the transactions at issue, and discussed alleged improper behavior in the branch against other individuals similar to the improper conducted alleged in the Statement of Claim.

**RESPONSE:** Not Applicable.

**REQUEST NO. 15:** Records of disciplinary action taken against associated persons by any regulator (state, federal or self-regulatory organization) or employer for all sales practice violations or conduct similar to the improper conducted alleged in the Statement of Claim.

**RESPONSE:** Not Applicable.

**REQUEST NO. 16:** All investigations, charges, or findings by any regulator (state, federal or self-regulatory organization) and the firm/associated persons' responses to such investigations, charges, or findings for the associated persons' alleged improper behavior similar to that alleged in the Statement of Claim.

**RESPONSE:** Not Applicable.

**REQUEST NO. 17:** Those portions of examination reports similar reports following an examination or an inspection conducted by any regulator (state, federal or self-regulatory organization) that focused on the associated persons or the customer parties' claims, accounts or transactions, or the product or types of products at issue or that discussed alleged improper behavior in the branch against other individuals similar to the conduct alleged in the Statement of Claim, for the period one year before the transactions at issue through the filing of the Statement of Claim.

**RESPONSE:** Not Applicable.

**REQUEST NO. 18:** All documents relating to the case at issue that the firm/ associated persons received by subpoena under Rule 12512 or by document request directed to third parties at any time during the case.

**RESPONSE:** Not Applicable.



**REQUEST NO. 19:** For all transactions at issue in the Statement of Claim, documentation showing the compensation, gross and net, to the associated persons for such transactions. In the event accounts at issue are the subject of fee arrangements that are not based on remuneration per trade, a record showing compensation earned by period on the accounts.

**RESPONSE:** See Answer to Statement of Claim Exhibit 4 (Account Statements) Exhibit 5 and (Trade Confirmations).

**REQUEST NO. 20:** (a) For claims related to solicited trading activity, a record of all compensation, monetary and non-monetary, including, but not limited to, monthly commission runs for the associated persons, listing the securities traded, dates traded, whether the trades were solicited or unsolicited, and the gross and net commission from each trade. The firm shall provide this information for a period of time beginning three months before and ending three months after the trades at issue in the customer parties' accounts. (b) the firm may redact names and other non-public personal information concerning customers who are not parties to the claim, but should provide sufficient information to identify (1) the non-party customers' accounts, including the last four digits of the non-party customers' account numbers; (2) the associated person' own and related accounts, including the last four digits of the associated persons' account numbers; and (3) the type of account (IRA, 401(k) , etc.)

**RESPONSE:** Not Applicable.

**REQUEST NO. 21:** (a) A record of all agreements pertaining to the relationship between the associated persons and the firm, summarizing the associated persons' compensation arrangement or plan with the firm, including: (1) Commission and


concession schedules; (2) Bonus or incentive plans including those relating to deferred compensation; and (3) Schedules showing compensation received or to be received based upon volume, type of product, nature of trade (*agency v. principal*), etc. (b) To the extent that compensation is based on factors other than remuneration per trade, the method by which the compensation was determined.

**RESPONSE:** Not Applicable.

**REQUEST NO. 22:** If the Statement of Claim includes allegations regarding an insurance product that includes a death benefit, the firm and/or associated persons must provide all information concerning the customer parties' insurance holdings and the recommendations, if any, to the customer parties regarding insurance products.

**RESPONSE:** Not Applicable.

Dated this 30<sup>th</sup> day of December, 2011.

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing pleading was mailed by United States Parcel Service, postage prepaid and properly addressed to the following individual(s) on this 30<sup>th</sup> day of December, 2011.

Andrew Jiranek  
c/o Laurent J. La Brie  
16 Willow Avenue  
Baltimore, MD 21286

  
Maryann Allen