



VIA REGULAR MAIL

February 23, 2012

Andrew Jiranek, Esq
16 Willow Avenue
Baltimore, MD 21286

Subject: FINRA Dispute Resolution Arbitration Number 11-03725
Laurent J. La Brie vs. TD Ameritrade and Scott Allan Cornett

Dear Mr. Jiranek:

Enclosed is a copy of the Initial Pre-Hearing Conference Scheduling Order for the above referenced matter.

Evidentiary Hearings

The evidentiary hearings are scheduled to be heard on the following dates: **November 7, 2012 at 09:30 AM Eastern Time Zone, and November 8, 2012 at 09:30 AM Eastern Time Zone.** Enclosed is a Case Information Sheet setting forth the dates, times, and location of the evidentiary hearings.

Pre-Hearing Conferences

Please review the enclosed Initial Pre-Hearing Conference Scheduling Order for the dates and times of any scheduled pre-hearing conferences. With respect to any pre-hearing conferences held by phone, please note that our conference coordinator will call you at the telephone number listed on the enclosed Case Information Sheet. If you will not be at this telephone number on the date and time of the pre-hearing conference, you may join the conference by dialing **1-888-566-9408**. The conference coordinator will ask for a password and the name of the conference leader. The password is the arbitration case number, including the leading zeroes, and the conference leader is the Chairperson or assigned FINRA Case Administrator.

Postponements

Customer Code Rule 12601 and Industry Code Rule 13601 provide that the parties may postpone hearings by mutual agreement. The arbitrators will decide all postponement requests by less than all parties. Further, these rules provide that the panel may not grant a motion to postpone a hearing made within 10 days of the date that the hearing is scheduled to begin, unless the panel determines that good cause exists.

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Dispute Resolution
Southeast Regional Office

Boca Center Tower 1
5200 Town Center Circle
Suite 200
Boca Raton, FL
33486-1015

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FINRA will charge a postponement fee for all postponed hearings. The fee will equal the applicable hearing session fee under Customer Code Rule 12902 or Industry Code Rule 13902. The arbitrators may allocate the fee to the party or among the parties that agreed to or requested the postponement. The panel may also assess part or all of the postponement fees against a party that did not request the postponement, if the panel determines that the non-requesting party caused or contributed to the need for the postponement. In addition, the panel may decide to waive the fees.

If a postponement request is made by one or more parties and granted within three business days before a scheduled hearing session, the party or parties making the request shall pay an additional fee of \$100 per arbitrator. The arbitrators may allocate all or a portion of the \$100 per arbitrator fee to the non-requesting party or parties, if the arbitrators determine that the non-requesting party or parties caused or contributed to the need for the postponement. In the event that an extraordinary circumstance prevents a party or parties from making a timely postponement request, arbitrators may use their discretion to waive the fee, provided verification of such circumstance is received.

FINRA will not charge a postponement fee when the arbitrators postpone a hearing on their own initiative or the parties agree to mediate their dispute at FINRA.

Settled Disputes

Parties to a dispute may agree to settle their dispute at any time. Parties who settle their dispute should notify FINRA staff immediately, in writing. FINRA will continue to administer the arbitration, and fees may continue to accrue, until FINRA receives written notice of the settlement. Parties do not need to disclose the terms of the settlement to FINRA, but firms and associated persons may have reporting obligations under the rules of FINRA.

If parties to a settlement fail to agree on the allocation of any outstanding fees, those fees will be divided equally among the settling parties in accordance with Customer Code Rule 12701 and Industry Code Rule 13701, except member surcharges and prehearing and hearing process fees, which will remain the responsibility of the member firm party or parties.

Prehearing Exchange of Documents and Witness Lists, and Explained Decision Requests

Customer Code Rule 12514 and Industry Code 13514 provide that at least 20 days before the first scheduled hearing date all parties must:

- Provide all other parties with copies of all documents and other materials in their possession or control that they intend to use at the hearing that have not already been produced. The parties should not file the documents with the Director or the arbitrators before the hearing.
- Provide each other party with the names and business affiliations of all witnesses they intend to present at the hearing. At the same time, all parties must file their witness lists with FINRA staff, with enough copies for each arbitrator.
- Submit to the arbitrators any joint request for an explained decision in the final award.

Please submit the document list and witness list as two separate documents.

Please note that the parties may not present any documents or other materials not produced and or any witnesses not identified in accordance with this rule at the hearing, unless the panel determines that good cause exists for the failure to produce the document or identify the witness. Good cause includes the need to use documents or call witnesses for rebuttal or impeachment purposes based on developments during the hearing. Please note that document and witness lists in defense of a claim are not considered rebuttal or impeachment information and, therefore, must be exchanged by the parties.

At the Hearing

Customer Code Rule 12602 and Industry Code Rule 13602 provide that the parties and their representatives are entitled to attend all hearings. Absent persuasive reasons to the contrary, expert witnesses should be permitted to attend all hearings. The panel will decide who else may attend any or all of the hearings. If a party fails to appear at a hearing after having been notified of the time, date and place of the hearing, the panel may determine that the hearing may go forward, and may render an award as though all parties had been present.

Each party may make an opening statement. It should be limited to what the party intends to prove and should not be a presentation of the evidence or of the merits of the case. Generally, the claimant will present its case, followed by the respondent's defense. The panel has the discretion to vary the order in which the hearing is conducted, provided that each party is given a fair opportunity to present its case.

All witnesses must testify under oath or affirmation. Evidence presented by a party will be shown to the opposing party for review and possible objection to its admissibility. The arbitrators will rule on any objections asserted to determine whether the document will be received into evidence. The panel is not required to follow state or federal rules of evidence. Please note that the production of documents in discovery does not create a presumption that the documents are admissible at the hearing.

All participants are expected to act in a civil manner at all times. Parties and attorneys should be on time for all hearing sessions, and should limit breaks to the time allotted. Parties and attorneys are responsible for providing copies of all proposed exhibits to all other parties and to the arbitrators.

Arbitration Award

Arbitrators issue awards based on the pleadings, testimony, and evidence presented by the parties at the evidentiary hearing. Rule 12904 of the Customer Code and Rule 13904 of the Industry Code provide that all awards shall be in writing and signed by a majority of the arbitrators or as required by applicable law. Such awards may be entered as a judgment in any court of competent jurisdiction. The panel shall endeavor to render an award within 30 business days from the date the record is closed. All monetary awards shall be paid within 30 days of receipt unless a motion to vacate has been filed with a court of competent jurisdiction. An award shall bear interest from the date of the award and the interest shall be assessed at the legal rate, if any, then prevailing in the state where the award was rendered, or at a rate set by the arbitrator(s). FINRA will make all awards publicly available on its Web site, www.finra.org.

Customer Code Rule 12904(c) and Industry Code Rule 13904(c) provide that "unless the applicable law directs otherwise, all awards are deemed final and are not subject to review or appeal." FINRA does not have the authority to overrule the determinations of the arbitration panel. Parties wishing to challenge an award must do so in a court of competent jurisdiction pursuant to either state or federal law. There are limited grounds for vacating an arbitration award, and a party must bring a motion to vacate within the time period specified by the applicable statute.

If you have any questions, or if I can provide further information, please do not hesitate to contact me.

Very truly yours,

Lisa L. Lasher/KR

Lisa D. Lasher
Senior Case Administrator
Phone: 561-416-0277
Fax: 301-527-4868
FL-Main@finra.org

LYL:kr1:LC21Z
ldr: 06/23/2010

Encl.

CC:

Douglas Earl McLaren

RECIPIENTS:

Andrew Jiranek, Esq, Laurent J. La Brie
16 Willow Avenue, Baltimore, MD 21286

Hollie M. Mason, Scott Allan Cornett
TD Ameritrade, Inc., 4211 South 102nd Street, Omaha, NE 68127

Hollie M. Mason, TD Ameritrade, Inc.
TD Ameritrade, Inc., 4211 South 102nd Street, Omaha, NE 68127

Case Information Sheet

1. CASE INFORMATION:

A. CASE-NUMBER: 11-03725

B. CASE-NAME: Laurent J. La Brie vs. TD Ameritrade and Scott Allan Cornett

C. FINRA Dispute Resolution

REPRESENTATIVE: Lisa D. Lasher
Senior Case Administrator
FINRA Dispute Resolution
Boca Center Tower 1
5200 Town Center Circle, Suite 200
Boca Raton, FL 33486
561-416-0277

D. HEARING DATE: November 7, 2012 at 09:30 AM Eastern Time Zone

E. ADDITIONAL HEARING SESSIONS:

Additional hearing session(s) are scheduled on:
November 8, 2012.

F. HEARING LOCATION:

TO BE DETERMINED AT A LATER DATE
Baltimore, MD

2. PARTY REPRESENTATIVE INFORMATION:

REPRESENTATIVE:

Andrew Jiranek, Esq
Phone: 443-470-1341, Fax: 410-825-2583
Email: ajiranek@jiranekcompany.com

PARTY(IES):

Laurent J. La Brie, Claimant

REPRESENTATIVE:

Hollie M. Mason, TD Ameritrade, Inc.
Phone: 402-574-6041, Fax: 402-970-3440
Email: hollie.mason@tdameritrade.com

PARTY(IES):

Investor protection. Market integrity.

Dispute Resolution
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Scott Allan Cornett, Respondent
TD Ameritrade, Inc., Respondent

3. **ARBITRATION PANEL:**

Douglas Earl McLaren	Public Arbitrator	Chairperson
Douglas Earl McLaren Attorney at Law		

Arbitrator classification is reported in accordance with the Codes of Arbitration Procedure for Customer and Industry Disputes, Rules 12100(p) and (u) and 13100(p) and (u), respectively. For more information, please see Regulatory Notice 08-22.

LC20B
idr: 10/05/2009

CC:
Douglas Earl McLaren

RECIPIENTS:

Andrew Jiranek, Esq, Laurent J. La Brie
16 Willow Avenue, Baltimore, MD 21286

Hollie M. Mason, Scott Allan Cornett
TD Ameritrade, Inc., 4211 South 102nd Street, Omaha, NE 68127

Hollie M. Mason, TD Ameritrade, Inc.
TD Ameritrade, Inc., 4211 South 102nd Street, Omaha, NE 68127



**Initial Pre-Hearing Conference
Scheduling Order**

FINRA Dispute Resolution

Initial Pre-hearing Conference
Scheduling Order in the Matter of:

Case #: 11-03725

Claimant(s): LAURENT J. LA BRIE

Respondent(s): TD AMERITRADE AND SCOTT ALLAN CORNETT

An initial Pre-hearing telephonic conference was held in the above captioned matter on 02/22/2012 (month/date/year). Participating in the hearing were: [list the attending individuals]

Chairperson: DOUGLAS E. McLAREN

Panelist: -

Panelist: -

Claimant's Representative: ANDREW TIRANEK

#1 Respondent's Representative: HOLLIE M. MASON

#2 Respondent's Representative: _____

FINRA Dispute Resolution Staff: LISA D. LASHER

The following was agreed upon during the conference and is now entered as the Initial Pre-hearing Conference Scheduling Order.

1. The parties accepted the panel's composition. (If not, please explain.)
YES

2. The first scheduled hearing session in this matter will begin on 11/7/2012
(month/date/year) at 9:30 (time). The following dates have also
been reserved for this hearing:

11/8/2012

3. Discovery cut off date (last day to serve discovery requests) 7/9/2012

Responses to discovery requests due: 8/31/2012

4. The Chairperson and parties have reserved 03/09/2012
(month/day/year) at 10:00 (ET) (time) for a Pre-hearing date to resolve
discovery matters.

*(The hearing is calendared at the time this order is served. All parties should
reserve these dates in their calendars, and reminders will not be forthcoming.
Parties should contact FINRA at least 48 hours prior to the scheduled hearing
session if the call is no longer needed.)*

Discovery Motions due (please specify date): 02/27/2012

Opposition due (please check the applicable box):

Opposition to Discovery Motions due within ten (10) days of receipt of the
Motion, in accordance with the applicable Code of Arbitration Procedure for
Customer or Industry Disputes;

or

Opposition to Discovery Motions due (please specify date and type of Motion
[if known]): 03/02/2012

Reply Brief due (please check the applicable box):

Reply brief to Opposition to Discovery Motions due within five (5) days of receipt of the Opposition;

or

Reply brief to Opposition to Discovery Motions due (please specify date and type of Motion [if known]): _____

(Please allow FINRA at least one week to forward the pleadings to the Panel prior to any conference call)

Method of Delivery for cases involving Direct Communication (e.g., electronic mail, facsimile, overnight courier, U.S. mail):

5. The arbitrators and parties have tentatively reserved N/A
(month/day/year) at _____ (time) for a Pre-hearing date to resolve

Motions due* (Please specify date): _____

Opposition due* (please check the applicable box):

Opposition to Motions due within ten (10) days of receipt of the Motion, in accordance with the applicable Code of Arbitration Procedure for Customer or Industry Disputes;

or

Opposition to Motions due (please specify date and type of Motion [if known]):

Reply Brief due (please check the applicable box):

Reply brief to Opposition to Motions due within five (5) days of receipt of the Opposition;

or

Reply brief to Opposition to Motions due (please specify date and type of Motion [if known]): _____

(Please allow FINRA at least one week to forward the pleadings to the Panel prior to any conference call)

Method of Delivery for cases involving Direct Communication (e.g., electronic mail, facsimile, overnight courier, U.S. mail):

**Note on Dispositive Motions: Code of Arbitration Procedure Rules 12504 and 12206 for Customer Disputes and Rules 13504 and 13206 for Industry Disputes govern motions to dismiss. The rules set forth specific timeframes for submitting and responding to motions to dismiss.*

6. If Pre-hearing briefs are filed, they must be filed by: 10/18/2012

7. The Codes of Arbitration Procedure outline the parties' obligation to exchange witness lists at least twenty (20) calendar days prior to the first scheduled hearing date. The panel requests that, concurrently with the parties' timely exchange of the witness lists, the parties send copies of the witness lists to FINRA for forwarding to the panel. The panel's timely receipt of the witness list will enable the arbitrators to review the witness list in advance of the hearing to determine if the appearance of a witness identified in the witness list may create a potential conflict with an arbitrator or otherwise trigger additional disclosures by an arbitrator. To assist the arbitrators in making these conflict checks, the parties should list the business affiliation of each witness, or other descriptive information.

Witness lists due (Please specify date): 10/18/2012

8. Communication between parties and arbitrators. (Check one).

All named parties and all arbitrators have agreed to proceed under the voluntary direct communication provisions of the *Codes of Arbitration Procedure (Codes)*. All parties agree that their counsel will alert all other parties, all arbitrators, and the FINRA Dispute Resolution case administrator of any changes in representation. If counsel no longer represents a party, this Paragraph will become inoperative and all parties shall cease direct communication with the arbitrators and direct all communication to the assigned FINRA Dispute Resolution case administrator, with the appropriate number of copies for distribution to the arbitrators.

a) All parties shall send only the following correspondence directly to the arbitrators (e.g., motions, responses, replies, sur-replies, briefs, etc.):

b) Parties shall use the following method of transmission when communicating directly with the arbitrators (e.g., electronic mail, facsimile, overnight courier, U.S. mail):

c) Below is a list of the electronic mail addresses, fax numbers, or mailing addresses of all named parties, arbitrators, and the FINRA case administrator assigned to this matter:

All named parties and all arbitrators have agreed to direct party and arbitrator communication solely to alert the panel that the parties have settled the case, that the claimant has withdrawn the claim, or that the parties jointly agreed to postpone the hearings. This arrangement prevents arbitrators from unnecessarily traveling to a cancelled hearing.

If the parties and arbitrators agree to communicate by fax, parties must transmit documents that exceed 15 pages to FINRA Dispute Resolution by overnight courier or U.S. mail. All faxes and electronic mail messages should include the confidentiality language previously provided to the parties by FINRA Dispute Resolution.

Parties and arbitrators do not agree to voluntary direct communication between the parties and arbitrators. Parties should not communicate with any member of the panel except in the presence of all parties or representatives. All correspondence and pleadings must be sent to the FINRA Dispute Resolution staff for distribution to the panel, and such correspondence or pleadings should be sent to all parties in the same manner and at the same time it is sent to FINRA Dispute Resolution.

9. Other rulings (e.g., extra fees to be deposited):

10. If the parties settle this matter with no further hearings:

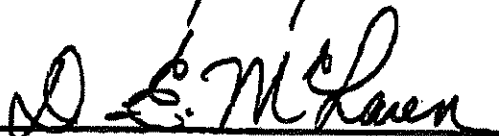
a) The cost of this IPHC will be borne as follows:

50 % to Claimant(s), jointly and severally
50 % to Respondent(s) _____, jointly and severally
 _____ % assessed to _____
 _____ % assessed to _____
 _____ % assessed to _____

NOTE: Outstanding forum fees that have not yet been resolved or assessed by the panel, the parties, or another Rule will be divided equally among the parties.

This Order will remain in effect unless amended by the arbitration panel. However, paragraph 8 may be canceled by a party, an arbitrator, or as provided in the paragraph.

Dated: 02/22/2012



Chairperson
 On behalf of the arbitration panel

**FINRA Dispute Resolution
Southeast Processing Center
Boca Center Tower 1
5200 Town Center Circle
Boca Raton, FL 33486
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Number of Pages including the Cover Sheet: _____

Date: 02/23/2012

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Case Number: 11-03725

Case Name: Laurent J. La Brie vs. TD Ameritrade and Scott Allan Cornett

To: Andrew Jiranek

Phone: 443-470-1341 Fax: 410-825-2583

From: Lisa Lasher
Senior Case Administrator

Message:

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