



May 4, 2012

FINRA Dispute Resolution
Attn: Lisa D. Lasher
Boca Center Tower 1
5200 Town Center Circle
Suite 200
Boca Raton, FL 33486

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

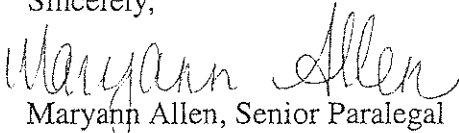
Dear Ms. Lasher:

Please find enclosed an original plus one copy of TD Ameritrade Clearing, and Respondents, TD Ameritrade, Inc. and Scott Allen Cornett's Response in Opposition to Claimant's Motion to Amend Statement of Claim. Please forward the enclosed Response to the Arbitrator for his consideration.

As directed, one copy of the TD Ameritrade Clearing and Respondents Response has been mailed to counsel for the Claimant.

If you have any questions, please do not hesitate to contact me directly at the number listed below. Thank you.

Sincerely,


Maryann Allen, Senior Paralegal
On Behalf of Hollie M. Mason
TD Ameritrade, Inc.
(402) 574-6031

cc: Andrew L. Jiranek, Esq.
Jiranek Company, P.A.
16 Willow Ave
Baltimore, MD 21286

FINRA DISPUTE RESOLUTION

In the Matter of the Arbitration between)
) FINRA-DR Case Number 11-03725
Laurent J. La Brie)
)
) Claimant,)
)
vs.) RESPONSE IN OPPOSITION
)
)
TD Ameritrade, Inc. and)
Scott Allen Cornett)
)
) Respondents.)
_____)

**TD AMERITRADE CLEARING, AND RESPONDENTS, TD AMERITRADE INC.
AND SCOTT ALLEN CORNETT RESPONSE IN OPPOSITION TO
CLAIMANT'S MOTION TO AMEND STATEMENT OF CLAIM**

COMES NOW, TD Ameritrade Clearing, and Respondents, TD Ameritrade Inc. and Scott Allen Cornett respectfully submit a joint response in Opposition to Claimant's Motion to Amend Statement of Claim, filed by Laurent J. La Brie. Respondents and TD Ameritrade Clearing assert La Brie inappropriately seeks to add TD Ameritrade Clearing as a Respondent to this matter, alleging losses sustained in connection with certain in the money option transactions. As supported below, TD Ameritrade Clearing and Respondents submit La Brie has failed to note any standing to add TD Ameritrade Clearing to his claim, in law or fact and therefore his motion should be denied.

First, La Brie purports to rely on contract law as a basis for recovery. However, La Brie has not and cannot, properly plead a contract against TD Ameritrade Clearing. There is no express or implied agreement between TD Ameritrade Clearing on which such a claim could be based. TD Ameritrade Clearing provides certain agreed upon services to its broker-dealer client, TD Ameritrade Inc. TD Ameritrade Clearing did not contract with La Brie regarding self-directed retail account transactions.

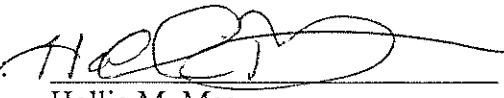
Secondly, La Brie has not, and cannot, properly plead a claim for breach of regulatory or other duties against TD Ameritrade Clearing as any handling of transactions would be governed by its relationship with TD Ameritrade Inc., not duties owed to La Brie. Applicable authorities have remained unreceptive to involving clearing firms, particularly in cases where their involvement is ministerial. Beyond that, Courts generally agree that Claimants have no regulatory, statutory, and or common law claims against clearing firms, under the doctrine that no obligations, contract or otherwise, arise from the mere performance of its administrative duties. In this case, the only support La Brie even alludes to for adding TD Ameritrade Clearing as a Respondent is its alleged ministerial possession and access to certain trading records.

Finally, and most notably, Claimant claims to have learned of TD Ameritrade Clearing's alleged involvement in this matter, during discovery. However, Claimant has plead no new information that it did not have at its disposal prior to discovery. Despite TD Ameritrade Clearing's assertion that it owes no duty to Claimant, its relationship with and the functions it performs for TD Ameritrade Inc. were known and or easily discoverable by Claimant prior to filing the original Statement of Claim.

For the foregoing reasons, TD Ameritrade Clearing and Respondents respectfully request the Panel deny Claimant's Motion to Amend Statement of Claim. In the alternative, TD Ameritrade Clearing and Respondents reserve any and all rights to file an Answer and or assert any applicable defenses.

Dated this 4th day of May, 2012.

BY:

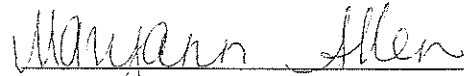


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Omaha, NE 68127
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Attorney for Respondents and TD
Ameritrade Clearing

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing pleading was mailed by United Parcel Service, postage prepaid and properly addressed to the following individual(s) on this 4th day of May, 2012.

Andrew Jiranek
Jiranek Company, P.A.
16 Willow Ave
Baltimore, MD 21286



Maryann Allen