

**Award
FINRA Dispute Resolution**

In the Matter of the Arbitration Between:

Claimant

Harold B. Wooten, Executor of the Estate of
Glenny B. White

Case Number: 14-03531

vs.

Respondent

Ameriprise Financial Services, Inc.

Hearing Site: Norfolk, Virginia

Nature of the Dispute: Customer vs. Member

This case was decided by a majority-public panel.

REPRESENTATION OF PARTIES

For Claimant Harold B. Wooten, Executor of the Estate of Glenny B. White: W. Edgar Spivey, Esq., Kaufman & Canoles, P.C., Norfolk, Virginia.

For Respondent Ameriprise Financial Services, Inc.: Ronald P. Kane, Esq., Kane & Fischer, Ltd., Chicago, Illinois.

CASE INFORMATION

Statement of Claim filed on or about: November 18, 2014.

Claimant signed the Submission Agreement: November 17, 2014.

Statement of Answer filed by Respondent on or about: February 23, 2015.

Respondent signed the Submission Agreement: February 23, 2015.

CASE SUMMARY

Claimant asserted the following causes of action: conversion, fraud, breach of fiduciary duties, failure to supervise, embezzlement, misrepresentation, respondeat superior, and omission of facts.

The causes of action relate to unspecified securities.

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, Claimant requested compensatory damages in the amount of \$1,000,000.00, punitive damages in the amount of \$1,500,000.00, interest at the legal rate of 6% per annum, and costs and expenses incurred in connection with this matter.

Respondent requested dismissal of the Statement of Claim with prejudice.

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 December 7, 2015 Claimant filed a Motion for Sanctions. Respondent filed an Opposition dated December 11, 2015. After due deliberation, the Panel granted Claimant's Motion at the conclusion of the hearings.

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, 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 to Claimant compensatory damages in the amount of \$500,000.00.
2. Respondent is liable for and shall pay to Claimant punitive damages in the amount of \$1,500,000.00. The Panel awarded punitive damages pursuant to the following case law: *Mastrobuono v. Shearson Lehman Hutton, Inc.* 514 U.S. 52 (1995) and *Giant of Va., Inc. v. Pigg*, 152 S.E.2d 271, 277 (Va. 1967) ("such recklessness or negligence as to evince a conscious disregard of the rights of others").
3. Respondent is liable for and shall pay to Claimant \$36,890.00 in sanctions representing attorneys' fees incurred by Claimant as a result of Respondent's failure to cooperate, failure to produce discoverable materials, and knowing violation of the Chairperson's Order dated November 21, 2015.
4. Any and all relief not specifically addressed herein is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

FINRA Dispute Resolution assessed a filing fee* for each claim:

Initial Claim Filing Fee = \$ 1,800.00

**The filing fee is made up of a non-refundable and a refundable portion.*

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm that employed the associated person at the time of the events giving rise to the dispute. Accordingly, as a party, Ameriprise Financial Services, Inc. is assessed the following:

Member Surcharge	= \$ 2,800.00
Pre-Hearing Processing Fee	= \$ 750.00
Hearing Processing Fee	= \$ 5,000.00

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 arbitrators, including a pre-hearing conference with the arbitrators, that lasts four (4) hours or less. Fees associated with these proceedings are:

Three (3) Pre-hearing sessions with a single arbitrator @ \$450.00/session = \$ 1,350.00

Pre-hearing conferences:	September 29, 2015	1 session
	November 10, 2015	1 session
	November 13, 2015	1 session

Two (2) Pre-hearing sessions with the Panel @ \$1,200.00/session = \$ 2,400.00

Pre-hearing conferences:	May 6, 2015	1 session
	November 25, 2015	1 session

Twelve (12) Hearing sessions @ \$1,200.00/session = \$14,400.00

Hearing Dates:	December 15, 2015	2 sessions
	December 16, 2015	2 sessions
	December 17, 2015	2 sessions
	December 18, 2015	2 sessions
	January 6, 2016	2 sessions
	January 7, 2016	2 sessions

Total Hearing Session Fees = \$18,150.00

The Panel has assessed the \$18,150.00 hearing session fees to Respondent.

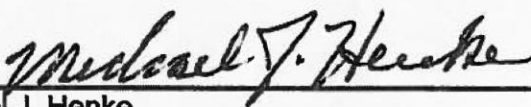
All balances are payable to FINRA Dispute Resolution and are due upon receipt.

ARBITRATION PANEL

Michael J. Henke	-	Public Arbitrator, Presiding Chairperson
Wesley C. Wilson	-	Public Arbitrator
Ross E. Legum	-	Non-Public Arbitrator

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



Michael J. Henke
Public Arbitrator, Presiding Chairperson

1-16-16

Signature Date

Wesley C. Wilson
Public Arbitrator

Signature Date

Ross E. Legum
Non-Public Arbitrator

Signature Date

January 19, 2016

Date of Service (For FINRA Dispute Resolution office use only)

ARBITRATION PANEL

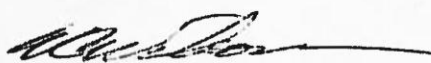
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Michael J. Henke
Public Arbitrator, Presiding Chairperson

Signature Date



Wesley C. Wilson
Public Arbitrator

1/14/2016
Signature Date

Ross E. Legum
Non-Public Arbitrator

Signature Date

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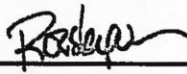
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Public Arbitrator, Presiding Chairperson

Signature Date

Wesley C. Wilson
Public Arbitrator

Signature Date



Ross E. Legum
Non-Public Arbitrator

1/15/2016

Signature Date

January 19, 2016

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