

**FILED**

MAY 12 2008

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

**NOT FOR PUBLICATION**  
**UNITED STATES COURT OF APPEALS**  
**FOR THE NINTH CIRCUIT**

DAVID H. VERDINER, an individual, for  
himself and on behalf of the general public,

Plaintiff - Appellant,

v.

SCOTTRADE, INC., an entity of unknown  
origin,

Defendant - Appellee.

No. 06-56655

D.C. No. CV-06-04620-GAF

**MEMORANDUM\***

Appeal from the United States District Court  
for the Central District of California  
Gary A. Fees, District Judge, Presiding

Submitted May 8, 2008\*\*  
Pasadena, California

Before: WARDLAW, IKUTA, Circuit Judges, and BEISTLINE,\*\* District  
Judge.

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\* This disposition is not appropriate for publication and may not be  
cited to or by the courts of this circuit except as may be provided by Ninth Circuit  
Rule 36-3.

\*\* This panel unanimously finds this case suitable for decision without  
oral argument. *See* Fed. R. App. P. 34(a)(2).

\*\*\* The Honorable Ralph R. Beistline, United States District Judge for the  
District of Alaska, sitting by designation.

The facts of this case are known to the parties.

In accordance with *SEC v. Zandford*, 535 U.S. 813 (2002), and *Merrill Lynch, Pierce, Fenner & Smith, Inc. v. Dabit*, 547 U.S. 71 (2006), as well as this Court's recent ruling in *U.S. Mortgage, Inc. v. Saxton*, 494 F.3d 833 (9th Cir. 2007), we conclude the commissions charged by Scottrade, which necessarily "coincided" with the purchase and sale of securities, fall squarely within the range that the Securities Litigation Uniform Standards Act was intended to cover.

**AFFIRMED.**