

Stipulated Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between

Names of Claimants

Kenneth A. Bradley
Gwen A. Bradley
Gay Ann Slozat
Karen M. Hamilton
Robert M. Murray

Case No. 00-03792

Name of Respondent

PaineWebber, Inc.

REPRESENTATION OF PARTIES

For Kenneth A. Bradley, Gwen A. Bradley, Gay Ann Slozat ("Slozat"), Karen M. Hamilton ("Hamilton"), and Robert M. Murray ("Murray"), hereinafter collectively referred to as "Claimants": Thomas F. Shine, Esq., Melbourne, Florida.

For PaineWebber, Inc. ("PaineWebber"), hereinafter referred to as "Respondent": Wes Holston, Assistant General Counsel, Respondent PaineWebber, Fort Lauderdale, Florida.

CASE INFORMATION

Statement of Claim filed on or about: August 28, 2000.

Claimant Kenneth A. Bradley signed the Uniform Submission Agreement on: July 31, 2000.

Claimant Gwen A. Bradley signed the Uniform Submission Agreement on: July 31, 2000.

Claimant Slozat signed the Uniform Submission Agreement on: August 3, 2000.

Claimant Hamilton signed the Uniform Submission Agreement on: July 28, 2000.

Claimant Murray signed the Uniform Submission Agreement on: July 31, 2000.

Statement of Answer and Counterclaim filed by Respondent on or about: November 3, 2000.

Respondent signed the Uniform Submission Agreement on: November 2, 2000.

CASE SUMMARY

Claimants asserted the following causes of action: 1) breach of contract; 2) unsuitability; 3) failure to disclose; and 4) misrepresentation. The causes of action relate to investments in Provident Bank step-down certificates of deposit.

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim and asserted the following defenses: 1) Claimants failed to state a claim upon which relief may be granted; 2) Claimants had full, complete and contemporaneous

knowledge of the acts complained of and ratified said acts; 3) Claimants are barred from recovery by the doctrine of estoppel; 4) Claimants approved all transactions at issue; 5) Claimants failed to exercise reasonable care and diligence to minimize and mitigate any alleged damages; 5) Claimants did not reasonably rely upon any statements or omissions properly attributed to Respondent; 6) Claimants are barred from recovery and/or any recovery must be reduced in accordance with the degree of Claimants' negligence by reasons of the doctrine of comparative negligence; 7) Claimants' damages, if any, were caused or contributed to by persons, conditions or events beyond the control of Respondent; 8) Claimants' losses, if any, were the result of Claimants' own negligence or market forces; 9) Claimants are barred from recovery as Claimants and their agents had received the prospectuses and other relevant documentation prior to investing, Claimants and their agents knew and were aware of the risks associated with said investments, and Claimants and their agents *voluntarily chose to assume the risks of said investments*; 10) Claimants failed to exercise due diligence in reviewing the offering materials; and 11) Claimants are barred from recovery as they are not allowed to ignore risks which are disclosed in writing.

Respondent asserted a counterclaim for expungement of all references to the above-captioned proceeding from Mary Kay Fiorenzo's ("Fiorenzo") registration records maintained by the NASD Central Registration Depository ("CRD").

RELIEF REQUESTED

Claimants requested: 1) compensatory damages in the approximate amount of \$41,000.00; 2) pre-judgment interest at the Florida statutory interest rate; and 3) such other relief the undersigned arbitrators (the "Panel") deemed just and proper.

Respondent requested: 1) dismissal of the Statement of Claim; 2) costs; 3) attorneys' fees; 4) expungement of all references to the above-captioned arbitration proceeding from Fiorenzo's registration records maintained by the NASD CRD; and 5) such other relief the Panel deemed just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

On March 30, 2001, Claimants notified NASD Dispute Resolution that the parties had entered into settlement. Claimants moved for dismissal, with prejudice, as to all claims. Further, Claimants requested the Panel to order expungement of all references to the above-captioned arbitration proceeding from Fiorenzo's registration records maintained by the NASD CRD.

On April 10, 2001, the Panel approved the dismissal, with prejudice, of all claims and recommended expungement of all references to the above-captioned arbitration proceeding from Fiorenzo's registration records maintained by the NASD CRD.

The parties have agreed that the Stipulated Award in this matter may be executed in counterpart copies or that a handwritten, signed Stipulated Award may be entered.

AWARD

After considering the pleadings and the request for dismissal of all claims and for expungement, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. All claims are dismissed with prejudice.
2. In the event there is a notation on the NASD CRD with respect to Fiorenzo, the Panel recommends the expungement of all references to the above-captioned proceeding from Fiorenzo's registration records maintained by the NASD CRD, with the understanding that pursuant to NASD Notice to members 99-09, Fiorenzo must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

FEES

Pursuant to the NASD Code of Arbitration Procedure, the following fees are assessed:

Filing Fees

NASD Dispute Resolution, Inc. will retain or collect the non-refundable filing fees for each claim:

Initial claim filing fee	= \$175.00
Counterclaim filing fee	= \$500.00

Member Fees

Member fees are assessed to each member firm that is a party in these proceedings or to the member firm(s) that employed the associated person(s) at the time of the event(s) giving rise to the dispute. In this matter, the member firm is a party.

Member surcharge	= \$800.00
Pre-hearing process fee	= \$600.00

Adjournment Fees

Adjournments requested during these proceedings:

There were no adjournments requested during these proceedings.

Forum Fees and Assessments

The Panel assesses forum fees for each hearing session conducted. A hearing session is any meeting between the parties and the arbitrator(s), including a pre-hearing conference with the arbitrator(s), that lasts four (4) hours or less. Fees associated with these proceedings are:

There were no hearing sessions conducted during these proceedings.

Administrative Costs

Administrative costs are expenses incurred due to a request by a party for special services

including, but not limited to, additional copies of arbitrator awards beyond those provided without charge, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

There were no administrative costs incurred during these proceedings.

Fee Summary

Claimants be and hereby are jointly and severally liable for:

Initial Filing Fee	= \$175.00	
Total Fees	= \$175.00	
<u>Less payments</u>	<u>= \$175.00</u>	
Balance Due NASD Dispute Resolution, Inc.		= \$0.00

Respondent PaineWebber be and hereby is solely liable for:

Counterclaim Filing Fee	= \$ 500.00	
Member Fees	= \$1,400.00	
Total Fees	= \$1,900.00	
<u>Less payments</u>	<u>= \$1,400.00</u>	
Balance Due NASD Dispute Resolution, Inc.		= \$500.00

All balances are payable to NASD Dispute Resolution, Inc. and are due immediately upon receipt of the Stipulated Award by the parties.

Concurring Arbitrators' Signatures

_____/s/
Catherine A. Wannamaker
Public Arbitrator, Presiding Chair

Signature Date

_____/s/
Hal S. Holtsinger
Public Arbitrator

Signature Date

_____/s/
Deborah J. Powell
Industry Arbitrator

Signature Date

May 8, 2001
Date of Service (For NASD-DR office use only)

including, but not limited to, additional copies of arbitrator awards beyond those provided without charge, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

There were no administrative costs incurred during these proceedings.

Fee Summary

Claimants be and hereby are jointly and severally liable for:

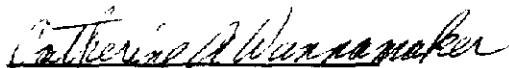
Initial Filing Fee	= \$175.00	
Total Fees	= \$175.00	
<u>Less payments</u>	<u>= \$175.00</u>	
Balance Due NASD Dispute Resolution, Inc.		= \$0.00

Respondent PaineWebber be and hereby is solely liable for:

Counterclaim Filing Fee	= \$ 500.00	
Member Fees	= \$1,400.00	
Total Fees	= \$1,900.00	
<u>Less payments</u>	<u>= \$1,400.00</u>	
Balance Due NASD Dispute Resolution, Inc.		= \$500.00

All balances are payable to NASD Dispute Resolution, Inc. and are due immediately upon receipt of the Stipulated Award by the parties.

Concurring Arbitrators' Signatures



Catherine A. Wannamaker
Public Arbitrator, Presiding Chair

5/2/01
Signature Date

Hal S. Holtsinger
Public Arbitrator

Signature Date

Deborah J. Powell
Industry Arbitrator

Signature Date

Date of Service (For NASD-DR office use only)

including, but not limited to, additional copies of arbitrator awards beyond those provided without charge, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

There were no administrative costs incurred during these proceedings.

Fee Summary

Claimants be and hereby are jointly and severally liable for:

Initial Filing Fee	= \$175.00	
Total Fees	= \$175.00	
<u>Less payments</u>	<u>= \$175.00</u>	
Balance Due NASD Dispute Resolution, Inc.		= \$0.00

Respondent PaineWebber be and hereby is solely liable for:

Counterclaim Filing Fee	= \$ 500.00	
Member Fees	= \$1,400.00	
Total Fees	= \$1,900.00	
<u>Less payments</u>	<u>= \$1,400.00</u>	
Balance Due NASD Dispute Resolution, Inc.		= \$500.00

All balances are payable to NASD Dispute Resolution, Inc. and are due immediately upon receipt of the Stipulated Award by the parties.

Concurring Arbitrators' Signatures

Catherine A. Wannamaker
Public Arbitrator, Presiding Chair

Signature Date

Hal S. Holtsinger

Hal S. Holtsinger
Public Arbitrator

4-30-2001
Signature Date

Deborah J. Powell
Industry Arbitrator

Signature Date

Date of Service (For NASD-DR office use only)

including, but not limited to, additional copies of arbitrator awards beyond those provided without charge, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

There were no administrative costs incurred during these proceedings.

Fee Summary

Claimants be and hereby are jointly and severally liable for:

Initial Filing Fee	= \$175.00	
Total Fees	= \$175.00	
<u>Less payments</u>	<u>= \$175.00</u>	
Balance Due NASD Dispute Resolution, Inc.		= \$0.00

Respondent PaineWebber be and hereby is solely liable for:

Counterclaim Filing Fee	= \$ 500.00	
Member Fees	= \$1,400.00	
Total Fees	= \$1,900.00	
<u>Less payments</u>	<u>= \$1,400.00</u>	
Balance Due NASD Dispute Resolution, Inc.		= \$500.00

All balances are payable to NASD Dispute Resolution, Inc. and are due immediately upon receipt of the Stipulated Award by the parties.


Concurring Arbitrators' Signatures

Catherine A. Wannamaker
Public Arbitrator, Presiding Chair

Signature Date

Hal S. Holtsinger
Public Arbitrator

Signature Date


Deborah J. Powell
Industry Arbitrator

4/20/01
Signature Date

Date of Service (For NASD-DR office use only)