

Award
NASD Dispute Resolution, Inc.

In the Matter of the Arbitration Between

Name of Claimant

Edgar Antonio Desola

Case No. 00-03990

Name of Respondent

UBS PaineWebber, Inc.

Hearing Site: Tampa, Florida

REPRESENTATION OF PARTIES

For Edgar Antonio Desola ("Desola") hereinafter referred to as "Claimant": Phillip J. Snyderburn, Esq. of Snyderburn, Rishoi & Swann, Winter Park, FL.

For UBS PaineWebber, Inc. ("UBS") hereinafter referred to as "Respondent": Daniel S. Newman, Esq. of Tew Cardenas Rebak Kellogg Lehman DeMaria Tague Raymond & Levine, L.L.P., Miami, FL.

CASE INFORMATION

Statement of Claim filed on or about: September 13, 2000.

Claimant's Claim of Defamation filed on or about: July 17, 2001.

Answer of Desola to Counterclaim of PaineWebber, Inc. filed on or about July 30, 2001.

Claimant signed the Uniform Submission Agreement: September 13, 2000.

Statement of Answer filed by Respondent on or about: November 16, 2000.

Statement of Answer of Respondent PaineWebber, Inc. filed on or about: June 25, 2001.

Respondent's Statement of Answer to Claim of Defamation filed on or about: July 30, 2001.

Respondent signed the Uniform Submission Agreement: November 15, 2000.

Claimant's Motion to Amend For Claim of Defamation ("Motion to Amend") filed on or about: June 7, 2001.

Respondent's Response to Motion to Amend For Claim of Defamation and Cross-Motion For Leave to Amend to Assert Counterclaim And For Adjournment ("Motion to Assert Counterclaim") filed on or about: June 26, 2001.

Claimant's Response to Cross-Motion For Leave to Amend to Assert Counterclaim and For Adjournment filed on or about: July 2, 2001.

Respondent's Reply to Claimant's Response to Cross-Motion For Leave to Amend to Assert Counterclaim and For Adjournment filed on or about: July 5, 2001.

CASE SUMMARY

Claimant asserted the following causes of action: negligence; defamation; and, interference with a business relationship. The causes of action relate to the filing of a Form U-5 which stated that

Claimant was under internal review.

Unless specifically admitted in its Answer, Respondent denied the allegations made in the Statement of Claim and asserted a counterclaim which alleged that Claimant failed to repay amounts owed under promissory notes executed by Claimant in favor of Respondent.

In response, Claimant denied the allegations made in Respondent's counterclaim and asserted that the promissory notes were unenforceable.

RELIEF REQUESTED

Claimant requested compensatory damages of \$1,000,000.00, punitive damages, dismissal of the Statement of Claim, and that Respondent be compelled to file a Form U-5 reflecting that the internal review has been completed and there has been no wrongdoing by Claimant.

Respondent requested compensatory damages of approximately \$69,617.42 plus pre-judgment interest on its counterclaim, costs, attorneys' fees, dismissal of the Statement of Claim, and such other and further relief as the Panel deemed just and appropriate.

OTHER ISSUES CONSIDERED AND DECIDED

On or about July 13, 2001, the Panel issued an order which granted Claimant's Motion to Amend and Respondent's Motion to Assert Counterclaim.

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, and the post-hearing submissions (if any), the Panel has decided in full and final resolution of the issues submitted for determination as follows:

Respondent is liable and shall pay to Claimant the sum of \$85,000.00, pre-judgment interest specifically excluded. The Panel found that Respondent intentionally interfered with Claimant's business relationships by not filing an amended Form U-5 within a reasonable period of time.

Claimant is liable and shall pay to Respondent the sum of \$82,936.27, inclusive of pre-judgment interest.

Respondent must use its best efforts to conclude its internal review of Claimant and file an amended Form U-5 within 30 days of the date of this Award.

Each party is responsible for their respective costs.

Any and all relief requests not specifically addressed herein, including Claimant's request for punitive damages, are denied.

FEES

Pursuant to the NASD Code of Arbitration Procedure (the "Code"), 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	= \$500.00
Counterclaim filing fee	= \$1,000.00

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	= \$2,500.00
Pre-hearing process fee	= \$600.00
Hearing process fee	= \$4,500.00

Adjournment Fees

Adjournments requested during these proceedings:

No requests for adjournment were granted in this matter.

Forum Fees and Assessments

The Panel has the authority to assess 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:

Two (2) Pre-hearing sessions with Panel x \$1,200.00	= \$2,400.00
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Pre-hearing conferences:	May 3, 2001	1 session
	July 13, 2001	1 session

Twelve (12) Hearing sessions x \$1,200.00	= \$14,400.00
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Hearing Dates:	August 22, 2001	2 sessions
	August 23, 2001	2 sessions
	August 24, 2001	2 sessions
	October 24, 2001	2 sessions
	October 25, 2001	2 sessions
	October 26, 2001	2 sessions

Total Forum Fees	= \$16,800.00
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The Panel has assessed \$8,400.00 of the forum fees to Claimant.
The Panel has assessed \$8,400.00 of the forum fees to Respondent.

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.

No administrative costs were incurred in this matter.

FEE SUMMARY

Claimant be and hereby is solely liable for:

Initial Filing Fee	= \$500.00
Forum Fees	= \$8,400.00

Total Fees	= \$8,900.00
Less payments	= \$1,700.00

Balance Due NASD Dispute Resolution, Inc.	= \$7,200.00
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Respondent be and hereby is solely liable for:

Counterclaim filing Fee	= \$1,000.00
Member Fees	= \$7,600.00
Forum Fees	= \$8,400.00

Total Fees	= \$17,000.00
Less payments	= \$10,000.00

Balance Due NASD Dispute Resolution, Inc.	= \$7,000.00
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All balances are payable to NASD Dispute Resolution, Inc. and are due immediately upon receipt of the Award by the parties pursuant to Rule 10330(g) of the Code.

ARBITRATION PANEL

Phyllis A. Cummins, CFA	-	Public Arbitrator, Presiding Chair
Darryl C. Wilson, Esq.	-	Public Arbitrator
Alison Hardage	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

/s/

Phyllis A. Cummins, CFA
Public Arbitrator, Presiding Chair

Signature Date

/s/

Darryl C. Wilson, Esq.
Public Arbitrator

Signature Date

/s/

Alison Hardage
Non-Public Arbitrator

Signature Date


December 19, 2001

Date of Service (For NASD-Dispute Resolution office use only)

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Concurring Arbitrators' Signatures


Phyllis A. Cummins, CFA
Public Arbitrator, Presiding Chair

December 14, 2001
Signature Date

Darryl C. Wilson, Esq.
Public Arbitrator

Signature Date

Alison Hardage
Non-Public Arbitrator

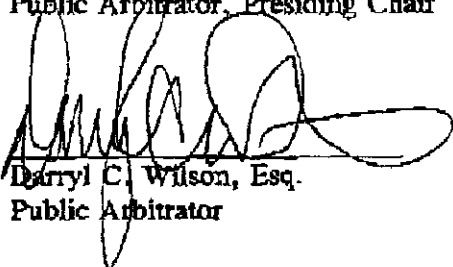
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Concurring Arbitrators' Signatures

Phyllis A. Cummins, CFA
Public Arbitrator, Presiding Chair



Darryl C. Wilson, Esq.
Public Arbitrator

Signature Date

12/18/01

Signature Date

Alison Hardage
Non-Public Arbitrator

Signature Date

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Public Arbitrator, Presiding Chair

Signature Date

Darryl C. Wilson, Esq.
Public Arbitrator

Signature Date

Alison Hardage
Alison Hardage
Non-Public Arbitrator

Dec. 14, 2001
Signature Date

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