

**Award**  
**NASD Dispute Resolution, Inc.**

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In the Matter of the Arbitration Between:

UBS PaineWebber Incorporated, (Claimant) vs. Greg D. San Filippo, (Respondent)

Case Number: 01-03262

Hearing Site: New York, New York

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**REPRESENTATION OF PARTIES**

Claimant, UBS PaineWebber Incorporated, hereinafter referred to as "Claimant": Romaine L. Gardner, Esq., a sole practitioner, Staten Island, NY.

Respondent, Greg D. San Filippo, hereinafter referred to as "Respondent", did not make an appearance in this matter.

**CASE INFORMATION**

Statement of Claim filed on or about: June 15, 2001.

Claimant signed the Uniform Submission Agreement: June 14, 2001.

Respondent did not file a Statement of Answer or sign a Uniform Submission Agreement.

**CASE SUMMARY**

Claimant asserted the following cause of action: breach of General Release and Settlement Agreement.

**RELIEF REQUESTED**

Claimant requested:

- a. Compensatory damages in the amount of \$36,161.28, plus interest thereon from the date of the Award until paid;
- b. Attorneys' fees in the amount of \$10,000.00;
- c. All costs, fees, and disbursements of this action; and
- d. Such other and further relief as the Arbitrator may deem just and equitable.

### **OTHER ISSUES CONSIDERED AND DECIDED**

Upon review of the file and the representations made on behalf of the Claimant, the undersigned arbitrator (the "Arbitrator") determined that Respondent has been properly served with the Statement of Claim and received due notice of the hearing, and that arbitration of the matter would proceed without Respondent present, in accordance with the NASD Code of Arbitration Procedure (the "Code").

Respondent did not file with NASD Dispute Resolution, Inc. a properly executed submission to arbitration but is required to submit to arbitration pursuant to the Code, and is bound by the determination of the Arbitrator on all issues submitted.

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 Arbitrator has decided in full and final resolution of the issues submitted for determination as follows:

1. Respondent be and hereby is solely liable for and shall pay to Claimant the sum of \$36,161.28 as compensatory damages, plus interest at the rate of 9% accruing from February 27, 2002 until paid.
2. Claimant's request for attorneys' fees is hereby denied.
3. Respondent be and hereby is liable for and shall pay to Claimant the sum of \$1,000.00, to reimburse Claimant for the filing fee previously paid to NASD Dispute Resolution, Inc.
4. All other requests for relief are hereby denied.

### **FEES**

Pursuant to 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	= \$1,000.00
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#### **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. In this matter, UBS PaineWebber Incorporated is a party.

Member surcharge	= \$ 800.00
Pre-hearing process fee	= \$ 600.00
Hearing process fee	= \$1,000.00

#### **Forum Fees and Assessments**

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

One (1) Pre-hearing session with a single arbitrator x \$450.00	= \$ 450.00
Pre-hearing conference: December 12, 2001 1 session	
One (1) Hearing session x \$450.00	= \$ 450.00
Hearing Date: February 27, 2002 1 session	
Total Forum Fees	= \$ 900.00

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The Arbitrator has assessed all of the forum fees against Respondent.

**Fee Summary**

1. Claimant be and hereby is solely liable for:

Initial Filing Fee	= \$1,000.00
Member Fees	= \$2,400.00
Total Fees	= \$3,400.00
Less payments	= \$2,850.00
Balance Due NASD Dispute Resolution, Inc.	= \$ 550.00

*As stated in the "Award" section above, Respondent is liable and shall reimburse Claimant for the \$1,000.00 filing fee.*

2. Respondent be and hereby is solely liable for:

Forum Fees	= \$ 900.00
Total Fees	= \$ 900.00
Less payments	= \$ 0.00
Balance Due NASD Dispute Resolution, Inc.	= \$ 900.00

All balances are due and payable to NASD Dispute Resolution, Inc.

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**ARBITRATION PANEL**

Charles E. Stewart, Esq.      -      Industry Arbitrator

**Arbitrator's Signature**

I, the undersigned arbitrator, do hereby affirm, pursuant to Article 7507 of the Civil Practice Law and Rules, that I am the individual described herein and who executed this instrument which is my award.

*Charles E. Stewart*

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Charles E. Stewart, Esq.  
Industry Arbitrator

*3/12/02*

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Signature Date

March 14, 2002

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Date of Service (For NASD office use only)