

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Salim Shiry (Claimant) v. UBS PaineWebber, Inc., Irwin Werbowsky, and Joseph Pizzo (Respondents)

Case Number: 02-04968

Hearing Site: City, State

Nature of the Dispute: Customer vs. Member and Associated Person

REPRESENTATION OF PARTIES

Claimant, Salim Shiry ("Shiry") hereinafter referred to as "Claimant": Philip Raible, Esq., Mintz & Gold, LLP, New York, NY.

Respondents, UBS PaineWebber, Inc. ("PaineWebber"), Irwin Werbowsky ("Werbowsky"), and Joseph Pizzo ("Pizzo"), hereinafter collectively referred to as "Respondents": Daniel L. Cantor, Esq., O'Melveny & Myers, LLP, New York, NY.

CASE INFORMATION

Statement of Claim filed on or about: August 20, 2002.

Claimant signed the Uniform Submission Agreement: August 14, 2002.

Joint Statement of Answer filed by Respondents on or about: November 26, 2002.

PaineWebber did not sign a Uniform Submission Agreement.

Werbowsky did not sign a Uniform Submission Agreement.

Pizzo did not sign a Uniform Submission Agreement.

CASE SUMMARY

Claimant asserted the following causes of action: violation of the "Know Your Customer" Rule; suitability; breach of fiduciary duty; breach of actual and implied contract; negligence; negligent supervision/respondeat superior. Claimant's claims involved unspecified types of securities.

Unless specifically admitted in their Answer, Respondents denied the allegations made in the Statement of Claim and asserted various affirmative defenses.

RELIEF REQUESTED

Claimant requested (i) damages from all Respondents, jointly and severally, in an amount to be proven at arbitration, but in no event less than \$7,000,000.00; (ii) all profits (including commissions and margin interest) generated by Respondents from the accounts in an amount to be proven at the hearing; and (iii) interest and reasonable

attorneys' fees and costs as determined by the Arbitration Panel.

Respondents requested that the Panel enter an award denying Claimant any and all relief, awarding Respondents their costs and disbursements of this proceeding, including reasonable attorneys' fees, and awarding Respondents such other and further relief as the Panel deems just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

Respondents did not file with NASD Dispute Resolution properly executed Uniform Submission Agreements but are required to submit to arbitration pursuant to the Code and, having answered the claim, and appeared and testified at the hearing, are bound by the determination of the Panel on all issues submitted.

Respondents made a Motion to Dismiss for failure to state a claim upon which relief may be granted. After due consideration, the Panel granted said Motion.

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, and 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. Claimant's claims are hereby denied in their entirety.
2. Any and all relief not specifically addressed herein is denied.
3. The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Irwin Werbowksy's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondent Irwin Werbowksy must obtain confirmation from a court of competent jurisdiction before CRD will execute the expungement directive.
4. The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Joseph Pizzo's registration records maintained by the NASD Central Registration Depository ("CRD"), with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondent Joseph Pizzo must obtain confirmation from a court of competent jurisdiction before CRD will execute the expungement directive.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

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

Initial claim filing fee = \$ 600.00

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 persons at the time of the events giving rise to the dispute. Accordingly, UBS PaineWebber, Inc. is a party.

Member surcharge = \$3,350.00

Pre-hearing process fee = \$ 750.00

Hearing process fee = \$5,500.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

July 29, 30, and 31, 2003, adjournment by PaineWebber = \$ 1,200.00

Forum Fees and Assessments

The Panel has assessed forum 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:

Two (2) Pre-hearing sessions with a single arbitrator @ \$450.00 = \$ 900.00

Pre-hearing conferences: May 6, 2003 1 session
June 13, 2003 1 session

One (1) Pre-hearing session with Panel @ \$1,200.00 = \$ 1,200.00

Pre-hearing conference: March 10, 2003 1 session

Eleven (11) Hearing sessions @ \$1,200.00 = \$13,200.00

Hearing Dates: August 12, 2003 2 sessions
August 13, 2003 2 sessions
August 14, 2003 2 sessions
September 29, 2003 1 session
September 30, 2003 2 sessions
October 1, 2003 2 sessions

Total Forum Fees = \$15,300.00

1. The Panel has assessed \$7,650.00 of the forum fees against Claimant.

2. The Panel has assessed \$7,650.00 of the forum fees against PaineWebber.

Fee Summary

1. Claimant is solely liable for:

Initial Filing Fee	= \$ 600.00
Forum Fees	= \$ 7,650.00
Total Fees	= \$ 8,250.00
Less payments	= \$ 1,800.00
Balance Due NASD Dispute Resolution	= \$ 6,450.00

2. PaineWebber is solely liable for:

Member Fees	= \$ 9,600.00
Adjournment Fee	= \$ 1,200.00
Forum Fees	= \$ 7,650.00
Total Fees	= \$18,450.00
Less payments	= \$ 9,600.00
Balance Due NASD Dispute Resolution	= \$ 8,850.00

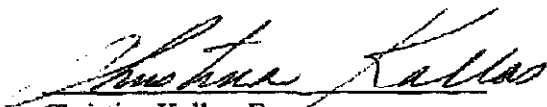
All balances are payable to NASD Dispute Resolution and are due upon receipt pursuant to Rule 10330(g) of the Code.

ARBITRATION PANEL

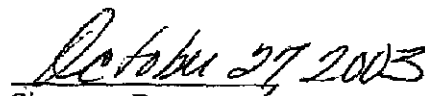
Christina Kallas, Esq.	-	Public Arbitrator, Presiding Chair
Edith M. Novack, Esq.	-	Public Arbitrator
Anne Wickham Boyle	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

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.



Christina Kallas, Esq.
Public Arbitrator, Presiding Chairperson



Signature Date

Edith M. Novack, Esq.
Public Arbitrator

Signature Date

Anne Wickham Boyle
Non-Public Arbitrator

Signature Date

October 27, 2003
Date of Service (For NASD Dispute Resolution use only)

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ARBITRATION PANEL

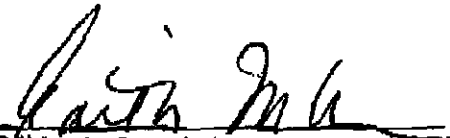
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 Public Arbitrator, Presiding Chairperson

 Signature Date


 Edith M. Novack, Esq.
 Public Arbitrator


 Signature Date

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 Non-Public Arbitrator

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Arbitration No. 02-04968
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Christina Kallas, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

Edith M. Novack, Esq.
Public Arbitrator

Signature Date



Anne Wickham Boyle
Non-Public Arbitrator

10/15/03

Signature Date

October 27, 2003

Date of Service (For NASD Dispute Resolution use only)