

Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Fredrick T. Golden III, Claimant v. UBS Financial Services Inc. and Angeli Forster, Respondents

Case Number: 02-06912

Hearing Site: San Diego, California

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

REPRESENTATION OF PARTIES

For Claimant:

Arthur S. Leider
Investors Arbitration Specialists
San Diego, California

For Respondents:

Robert H. Logan, Esq.
Keesal, Young & Logan
Long Beach, California

CASE INFORMATION

Statement of Claim filed: November 12, 2002

Amended Statement of Claim filed: June 17, 2003

Amended Prayer for Damages filed: October 13, 2003

Claimant's Uniform Submission Agreement signed: October 24, 2002

Statement of Answer filed by Respondent UBS Financial Services Inc: January 14, 2003

Joint Statement of Answer to Amended Statement of Claim filed by Respondents UBS Financial Services Inc. and Angeli Forster: August 27, 2003

CASE SUMMARY

In his Amended Statement of Claim, Claimant alleged breach of fiduciary duty, negligence, fraudulent misrepresentation, omission of facts, and unsuitable recommendations. The dispute involved the purchase and/or sale of Groupama Asset Management and various mutual funds and unit trusts.

Respondents denied the allegations of wrongdoing set forth in the Claimant's Initial and Amended Statements of Claim.

RELIEF REQUESTED

In his Initial Statement of Claim, Claimant requested compensatory damages in the amount of \$200,000.00, punitive or exemplary damages in the amount of \$300,000.00, pre and post award interest, representation fees, and arbitration costs.

In his Amended Statement of Claim, Claimant requested compensatory damages in the amount of \$250,000.00, punitive or exemplary damages in the amount of \$250,000.00, pre and post award interest, representation fees, and arbitration costs.

In his Amended Prayer for Damages, Claimant requested compensatory damages in the amount of \$180,343.00, punitive or exemplary damages in the amount of \$250,000.00, pre and post award interest, representation fees, and arbitration costs.

Respondents requested dismissal of the Claimant's Initial and Amended Statements of Claim in their entirety, attorney's fees, and arbitration costs.

OTHER ISSUES CONSIDERED AND DECIDED

On November 26, 2002, Claimant and Claimant's representative signed a Waiver Agreement expressly waiving any and all rights and benefits under California Civil Code Section 1542 and the California Ethical Standards for Neutral Arbitrators.

On April 7, 2003, Respondent UBS Financial Services Inc.'s counsel signed a Waiver Agreement expressly waiving any and all rights and benefits under California Civil Code Section 1542 and the California Ethical Standards for Neutral Arbitrators.

Pursuant to the Code of Arbitration Procedure IM-10100, the waivers of the Claimant shall constitute and operate as a waiver for all member firms and associated persons (including terminated or otherwise inactive member firms or associated persons) against whom the Claim has been filed.

Respondents UBS Financial Services Inc. and Angeli Forster did not file with the NASD Dispute Resolution properly executed submission agreements but are required to submit to arbitration pursuant to the Code and having answered the claim, appeared and testified at the hearing, are bound by the determination of the Panel on all issues submitted.

The parties 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, testimony, and evidence presented at the hearing, the Panel decided in full and final resolution of the issues submitted for determination as follows:

- 1) Respondent UBS Financial Services Inc. is liable to and shall pay Claimant Fredrick T. Golden III \$43,000.00 in compensatory damages.
- 2) Respondent UBS Financial Services Inc. is liable to and shall pay Claimant Fredrick T. Golden III \$5,000.00 in representation fees.
- 3) Respondent UBS Financial Services Inc. is liable to and shall pay Claimant Fredrick T. Golden III \$4,500.00 in expert witness fees.
- 4) Respondent Angeli Forster is dismissed with prejudice.
- 5) Claimant's request for punitive damages is denied.
- 6) Except as noted above, the parties shall bear their respective costs, including attorney's fees.
- 7) All other relief requested and not expressly granted is denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

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

Initial claim filing fee	= \$ 300.00
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Member Fees

Member fees are assessed to each member firm that is either a party in the matter or an employer of a respondent associated person at the time of the events that gave rise to the dispute, claim, or controversy. Accordingly, the member firm UBS Financial Services Inc. is a party and the following fees are assessed:

Member Surcharge	= \$ 1,700.00
Pre-Hearing Process Fee	= \$ 750.00
Hearing Process Fee	= \$ 2,750.00
Total Member Fees	= \$ 5,200.00

Forum Fees and Assessments

The Panel assessed a forum fee for each pre-hearing conference or hearing session conducted. A pre-hearing conference and hearing session is any meeting between the parties and the Panel. The following fees are assessed:

Two (2) Pre-hearing conference sessions with the Panel @ \$1,125.00/session = \$ 2,250.00

Pre-hearing conferences: April 7, 2003 1 session
 April 9, 2003 1 session

Five (5) Hearing sessions @ \$1,125.00/session = \$ 5,625.00

Hearings: October 22, 2003 2 sessions
 October 23, 2003 2 sessions
 October 24, 2003 1 session

Total Forum Fees = \$ 7,875.00

1. The Panel assessed \$1,125.00 of the forum fees to Claimant Fredrick T. Golden III.
2. The Panel assessed \$6,750.00 of the forum fees to Respondent UBS Financial Services Inc.

Fee Summary

1. Claimant Fredrick T. Golden III is charged with the following fees and costs:

Initial Filing Fee	= \$ 300.00
Forum Fees	= \$ 1,125.00
Total Fees	= \$ 1,425.00
<u>Less payments</u>	<u>= \$(1,425.00)</u>
Balance Due NASD Dispute Resolution	= \$ 0.00

2. Respondent UBS Financial Services Inc. is charged with the following fees and costs:

Member Fees	= \$ 5,200.00
Forum Fees	= \$ 6,750.00
Total Fees	= \$11,950.00
<u>Less payments</u>	<u>= \$(5,200.00)</u>
Balance Due NASD Dispute Resolution	= \$ 6,750.00

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

ARBITRATION PANEL

James H. Bowersox

Public Arbitrator, Presiding Chair

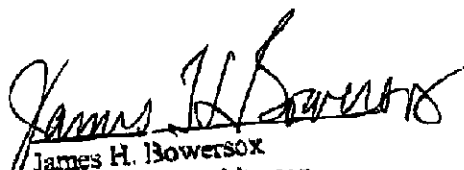
Robert C. Wright, Esq.

Public Arbitrator

Larry Haugaard

Non-Public Arbitrator

Concurring Arbitrators' Signatures


James H. Bowersox
Chair, Public Arbitrator

11-03-03
Signature Date

Robert C. Wright, Esq.
Public Arbitrator

Signature Date

Larry Haugaard
Non-Public Arbitrator

Signature Date

November 4, 2003
Date of Service

ARBITRATION PANEL

James H. Bowersox	-	Public Arbitrator, Presiding Chair
Robert C. Wright, Esq.	-	Public Arbitrator
Larry Haugaard	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

James H. Bowersox
Chair, Public Arbitrator

Signature Date

Robert C. Wright, Esq.
Public Arbitrator

Signature Date



Larry Haugaard
Non-Public Arbitrator

11-3-03
Signature Date

November 4, 2003
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ARBITRATION PANEL

Public Arbitrator, Presiding Chair

Public Arbitrator


Non-Public Arbitrator


James H. Bowersox

Robert C. Wright, Esq.

Larry Hangaard

Concurring Arbitrators' Signatures


James H. Bowersox
Chair, Public Arbitrator


Robert C. Wright, Esq.
Public Arbitrator


Larry Hangaard
Non-Public Arbitrator

11-03-03
Signature Date

11-25-03
Signature Date

Signature Date

November 4, 2003
Date of Service