
Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant

Juliana Yau

Case Number: 02-07531

Names of the Respondents

UBS PaineWebber, Inc., a Delaware corporation, and Jim King Mui

Hearing Site: Boca Raton, Florida

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

REPRESENTATION OF PARTIES

For Juliana Yau, hereinafter referred to as "Claimant": Steve Goerke, Esq., Law Offices of Mitchell T. McRae, P.A., Delray Beach, Florida.

For UBS PaineWebber, Inc. ("UBS"), a Delaware corporation, and Jim King Mui ("Mui"), hereinafter collectively referred to as "Respondents": Ronald Shindler, Esq., Fowler White Burnett, P.A., Miami, Florida.

CASE INFORMATION

Statement of Claim filed on or about: December 13, 2002.

Claimant signed the Uniform Submission Agreement: November 19, 2002.

Statement of Answer filed by Respondents on or about: April 25, 2003.

Respondents did not file executed Uniform Submission Agreements.

CASE SUMMARY

Claimant asserted the following causes of action: violations of Section 517.301 of the Florida Securities and Investor Protection Act; breach of fiduciary duty; negligent misrepresentations; negligent supervision; and, common law fraud in the inducement. The causes of action relate to the purchase and sale of unspecified securities products in Claimant's accounts.

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

RELIEF REQUESTED

Claimant requested compensatory damages in an amount between \$500,000.00 and \$1,000,000.00, plus punitive damages, interest, costs, attorney's fees and any other relief deemed just and proper.

Respondents requested that the Panel enter an Award dismissing the claim in its entirety; assessing the costs and fees of this proceeding against Claimant; awarding Respondents their

costs and expenses of defending the claims asserted against them by Claimant, including attorney's fees; expunging this claim from Respondent Mui's NASD Central Registration Depository ("CRD") records; and, granting Respondents any other relief deemed just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

Respondents did not file with NASD Dispute Resolution properly executed submissions to arbitration but are required to submit to arbitration pursuant to the NASD Code of Arbitration Procedure (the "Code") and, having answered the claim, are bound by the determinations of the Panel on all issues submitted.

On or about May 25, 2004, Claimant notified NASD Dispute Resolution that this matter had been settled.

On or about July 15, 2004, the parties submitted a Stipulation for Entry of Arbitration Award with a request that the Panel enter a Stipulated Award expunging this matter from Respondent Mui's NASD CRD records.

The parties have agreed that the Stipulated Award in this matter may be executed in counterpart copies.

AWARD

After considering the pleadings, the Stipulation for Entry of Arbitration Award and the record in this matter, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

The Panel recommends the expungement of all references to the above captioned arbitration from Respondent Jim King Mui's registration records maintained by the NASD CRD, with the understanding that pursuant to NASD Notices to Members 99-09 and 99-54, Respondent Jim King Mui must obtain confirmation from a court of competent jurisdiction before the NASD 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	= \$ 375.00
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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, the member firm UBS PaineWebber, Inc. is a party.

Member surcharge	= \$2,250.00
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Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$4,000.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

No requests for adjournments were filed in this matter.

Injunctive Relief Fees

Injunctive relief fees are assessed to each member or associated person who files for a temporary injunction in court. Parties in these cases are also assessed arbitrator travel expenses and costs when an arbitrator is required to travel outside his or her hearing location and additional arbitrator honoraria for the hearing for permanent injunction. These fees, except the injunctive relief surcharge, are assessed equally against each party unless otherwise directed by the Panel.

No injunctive relief fees were incurred in this matter.

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:

One (1) Pre-hearing session with the Panel @ \$1,200.00	= \$1,200.00
Pre-hearing conference: October 16, 2003 1 session	
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Total Forum Fees	= \$1,200.00

The Panel has assessed \$400.00 of the forum fees to Claimant.

The Panel has assessed \$400.00 of the forum fees to Respondent UBS.

The Panel has assessed \$400.00 of the forum fees to Respondent Mui.

Administrative Costs

Administrative costs are expenses incurred due to a request by a party for special services beyond the normal administrative services. These include, but are not limited to: additional copies of arbitrator awards; copies of audio transcripts; retrieval of documents from archives; interpreters; and, security.

No administrative costs were incurred in this matter.

Fee Summary

Claimant is solely liable for:

Initial Filing Fee	= \$ 375.00
Forum Fees	= \$ 400.00
<u>Retained Hearing Session Deposit pursuant to Rule 10332(f)</u>	<u>= \$ 800.00</u>
Total Fees	= \$ 1,575.00

<u>Less payments</u>	= \$ 1,575.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent UBS is solely liable for:

Member Fees	= \$ 7,000.00
<u>Forum Fees</u>	= \$ 400.00
Total Fees	= \$ 7,400.00
<u>Less payments</u>	= \$ 7,000.00
Balance Due NASD Dispute Resolution	= \$ 400.00

Respondent Mui is solely liable for:

<u>Forum Fees</u>	= \$ 400.00
Total Fees	= \$ 400.00
<u>Less payments</u>	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 400.00

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

ARBITRATION PANEL

Howard A. Rose, Esq.	-	Public Arbitrator, Presiding Chairperson
Frederick P. Hartman, CPA	-	Public Arbitrator
John A. Palermo	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

/s/

07/30/04

Howard A. Rose, Esq.
Public Arbitrator, Presiding Chairperson

Signature Date

/s/

07/21/04

Frederick P. Hartman, CPA
Public Arbitrator

Signature Date

/s/

07/21/04

John A. Palermo
Non-Public Arbitrator

Signature Date

08/04/04

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

<u>Less payments</u>	= \$ 1,575.00
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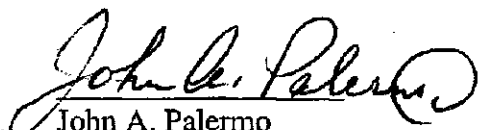
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Public Arbitrator, Presiding Chairperson

Signature Date

Frederick P. Hartman, CPA
Public Arbitrator

Signature Date


John A. Palermo
Non-Public Arbitrator

7/21/04
Signature Date

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FL ARBITRATION

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Signature Date


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Public Arbitrator

7/21/04
Signature Date

John A. Palermo
Non-Public Arbitrator

Signature Date

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NASD Dispute Resolution
Arbitration No. 02-7531
Stipulated Award Page 4

<u>Less payments</u>	<u>= \$ 1,575.00</u>
<u>Balance Due NASD Dispute Resolution</u>	<u>= \$ 0.00</u>

Respondent UBS is solely liable for:

<u>Member Fees</u>	<u>= \$ 7,000.00</u>
<u>Forum Fees</u>	<u>= \$ 400.00</u>
<u>Total Fees</u>	<u>= \$ 7,400.00</u>
<u>Less payments</u>	<u>= \$ 7,000.00</u>
<u>Balance Due NASD Dispute Resolution</u>	<u>= \$ 400.00</u>

Respondent Mui is solely liable for:

<u>Forum Fees</u>	<u>= \$ 400.00</u>
<u>Total Fees</u>	<u>= \$ 400.00</u>
<u>Less payments</u>	<u>= \$ 0.00</u>
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