

Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Aviva Teichner (Claimant) v. UBS Financial Services, Inc. f/k/a UBS PaineWebber, Inc., Mary Ellen Kay, and John Decker (Respondents)

Case Number: 03-02396

Hearing Site: New York, New York

Nature of the Dispute: Customer v. Member and Associated Persons.

REPRESENTATION OF PARTIES

Claimant Aviva Teichner ("Teichner") hereinafter referred to as "Claimant": Jay D. Fischer, Esq., Fischer, Porter, Masi & Thomas, P.C., Englewood Cliffs, NJ.

Respondents UBS Financial Services, Inc. f/k/a UBS PaineWebber, Inc. ("UBS"), Mary Ellen Kay ("Kay") and John Decker ("Decker") hereinafter collectively referred to as "Respondents": Ronald P. Mysliwec, Esq., Law Offices of Ronald P. Mysliwec, New York, NY.

CASE INFORMATION

Statement of Claim filed on or about: April 1, 2003.

Claimant signed the Uniform Submission Agreement: April 29, 2003.

Joint Statement of Answer filed by Respondents on or about: June 26, 2003.

Respondent UBS signed the Uniform Submission Agreement: June 27, 2003.

Respondent Kay signed the Uniform Submission Agreement: June 3, 2003.

Respondent Decker signed the Uniform Submission Agreement: May 13, 2003.

CASE SUMMARY

Claimant asserted the following causes of action: breach of contract; breach of fiduciary duty; unsuitable and unauthorized trading; fraud; negligent misrepresentation; negligence; gross negligence; conversion; and violations of rules promulgated by the Municipal Securities Rulemaking Board. The causes of action relate to municipal bonds.

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

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$530,424.45; return of all

commissions and fees; interest at the legal rate; punitive damages of four times the actual damages, or \$2,121,697.80; attorneys' fees; costs and disbursements; and such other relief as the Panel deems just and proper.

Respondents requested dismissal of all claims and actions against them, together with attorneys' fees and the costs of this action.

OTHER ISSUES CONSIDERED AND DECIDED

On or about April 12, 2004, Claimant dismissed all claims against Respondents Kay and Decker.

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

The parties entered into an agreement to present to the Panel a Stipulated Award (attached as Exhibit "A"). Now, in lieu of a hearing and upon motion of both parties for an entry of an award, the written stipulation thereto, the Panel grants the motion and enters this award granting the following relief:

1. The claims against Respondents are dismissed with prejudice. Claimant and Respondent UBS have entered into a confidential settlement agreement.
2. Each party shall bear its own costs and expenses.
3. The Panel recommends the expungement of all reference to the above captioned arbitration from Respondent Mary Ellen Kay'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 Kay 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 John Decker'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 Decker must obtain confirmation from a court of competent jurisdiction before CRD will execute the expungement directive.
5. Any and all relief not specifically addressed herein, including punitive damages, is 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	= \$ 500.00
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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 persons at the time of the events giving rise to the dispute. In this matter, UBS Financial Services, Inc. f/k/a UBS PaineWebber, Inc. is a party.

Member Surcharge	= \$2,800.00
Pre-Hearing Process Fee	= \$ 750.00
<u>Hearing Process Fee</u>	<u>= \$5,000.00</u>
Total Member Fees	= \$8,550.00

Adjournment Fees

The following adjournment fees are assessed:

April 20-22, 2004, adjournment requested by Respondents	= Waived
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Forum Fees and Assessments

The Panel assesses forum fees for each hearing session conducted. A hearing 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. Forum fees associated with these proceedings are:

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

1. The Panel has assessed \$600.00 of the forum fees against Claimant.
2. The Panel has assessed \$600.00 of the forum fees against Respondent UBS.

Fee Summary

1. Claimant is solely liable for:

Initial Filing Fee	= \$ 500.00
<u>Forum Fees</u>	<u>= \$ 600.00</u>
Total Fees	= \$1,100.00

<u>Less payments</u>	= \$1,700.00
Refund Due to Claimant	= \$ 600.00

2. Respondent UBS is solely liable for:

Member Fees	= \$8,550.00
<u>Forum Fees</u>	= \$ 600.00
Total Fees	= \$9,150.00
<u>Less payments</u>	= \$8,550.00
Balance Due NASD Dispute Resolution	= \$ 600.00

All balances are due and payable to NASD Dispute Resolution

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$530,424.45; punitive damages; reimbursement for all costs of these proceedings, including attorney's fees; and such other relief as the Panel deems just and proper.

Respondents requested dismissal of the Statement of Claim with prejudice and reimbursement for their attorneys fees and all costs of these proceedings.

OTHER ISSUES CONSIDERED AND DECIDED

On or about April 13, 2004, Claimant dismissed all claims against Respondents Decker and Kay.

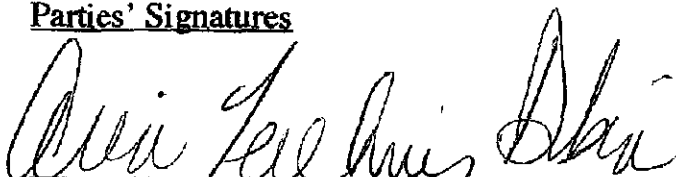
The remaining parties agreed that the Stipulated Award in this matter may be executed in counterpart copies or that a handwritten, signed Award may be entered.

AWARD

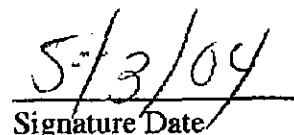
On the date set forth below, Claimant and Respondent UBS entered an agreement to present to the Panel a Stipulated Award. Now, in lieu of a hearing and upon motion of all remaining parties for entry of an award, and the written stipulation thereto, the Panel hereby grants the motion and enters this award granting the following relief:

- 1) The Claims against Respondents UBS, sued herein as PaineWebber Incorporated, Mary Ellen Kay and John Decker are dismissed with prejudice. Claimant and respondent UBS have entered into a confidential settlement agreement.
- 2) Each party shall bear its own costs and expenses.
- 3) The Panel recommends the expungement of all reference to the above-captioned arbitration from the registration records maintained by the Central Registration Depository ("CRD") with respect to Respondents Mary Ellen Kay and John Decker with the understanding that Respondents Kay and Decker must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

Parties' Signatures



Aviva Teichner Dubin, suing herein
as Aviva Teicher,


Signature Date

Claimant

A handwritten signature in black ink, appearing to be 'A. M. W.', written over a horizontal line.

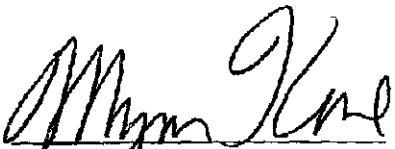
UBS Financial Services Inc., sued
herein as PaineWebber Incorporated,
Respondent

4/29/04
Signature Date

ARBITRATION PANEL

Myron Kove, Esq.	-	Public Arbitrator, Presiding Chair
Raymond S. Fleishman	-	Public Arbitrator
Allen I. Cederbaum	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures



Myron Kove, Esq.
Public Arbitrator, Presiding Chair

Signature Date

Raymond S. Fleishman
Public Arbitrator

Signature Date

Allen I. Cederbaum
Non-Public Arbitrator

Signature Date

June 22, 2004

Date of Service (For NASD office use only)


ARBITRATION PANEL

Myron Kove, Esq.	-	Public Arbitrator, Presiding Chair
Raymond S. Fleishman	-	Public Arbitrator
Allen I. Cederbaum	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

Myron Kove, Esq.
Public Arbitrator, Presiding Chair

Signature Date


Raymond S. Fleishman
Public Arbitrator


Signature Date

Allen I. Cederbaum
Non-Public Arbitrator

Signature Date

June 22, 2004

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Myron Kove, Esq.	-	Public Arbitrator, Presiding Chair
Raymond S. Fleishman	-	Public Arbitrator
Allen I. Cederbaum	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

Myron Kove, Esq.
 Public Arbitrator, Presiding Chair

 Signature Date

Raymond S. Fleishman
 Public Arbitrator

 Signature Date

Allen I. Cederbaum
 Allen I. Cederbaum
 Non-Public Arbitrator

6-21-04
 Signature Date

June 22, 2004
 Date of Service (For NASD office use only)