
Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Name of the Claimant
UBS PaineWebber, Inc.

Case Number: 03-02473

Name of the Respondent
Gregory A. Jurkiewicz

Hearing Site: Tampa, Florida

Nature of the Dispute: Member vs. Associated Person.

REPRESENTATION OF PARTIES

For UBS PaineWebber, Inc., hereinafter referred to as "Claimant": Lisa A. Catalano, Esq., Davidson, Manchel & Brennan, LLP, Northvale, New Jersey.

Gregory A. Jurkiewicz, hereinafter referred to as "Respondent", did not appear.

CASE INFORMATION

Statement of Claim filed on or about: April 3, 2003.

Claimant signed the Uniform Submission Agreement: March 18, 2003.

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

Motion for Default Judgment filed by Claimant on or about: May 21, 2004.

CASE SUMMARY

Claimant asserted a claim for breach of promissory note. The cause of action relates to Respondent's former employment by Claimant and Promissory Note #32082 which was entered into between the parties.

RELIEF REQUESTED

Claimant requested compensatory damages in the amount of \$94,453.00, plus interest from February 3, 2003 through the date of payment of the Award, costs, attorney's fees and any other relief deemed just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

Respondent did not file with NASD Dispute Resolution a properly executed submission to arbitration but is required to submit to arbitration pursuant to the NASD Code of Arbitration Procedure (the "Code") and is bound by the determinations of the Panel on all issues submitted.

On or about May 28, 2004, the Panel granted Claimant's Motion for Default Judgment.

AWARD

After considering the pleadings, the Motion for Default Judgment and the record in this matter, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

Respondent is liable on the claim of breach of promissory note and shall pay to Claimant compensatory damages in the amount of \$94,453.00, plus pre-judgment interest in the amount of \$7,952.40.

Respondent is liable and shall pay to Claimant attorney's fees in the amount of \$4,435.33, plus expenses in the amount of \$563.88 pursuant to Promissory Note #32082.

Respondent is liable and shall pay to Claimant the sum of \$1,000.00 representing reimbursement of the claim filing fee previously paid by Claimant to NASD Dispute Resolution.

Any and all claims for relief not specifically addressed herein are denied.

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	= \$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 event giving rise to the dispute. In this matter, the member firm UBS PaineWebber, Inc. is a party.

Member surcharge	= \$1,100.00
Pre-hearing process fee	= \$ 750.00
Hearing process fee	= \$1,700.00

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:

Two (2) Pre-hearing sessions with the Panel @ \$750.00	= \$1,500.00
Pre-hearing conferences: March 19, 2004 1 session	
April 23, 2004 1 session	
Total Forum Fees	= \$1,500.00

The Panel has assessed the total forum fees of \$1,500.00 to Respondent.

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	= \$ 1,000.00
<u>Member Fees</u>	= \$ 3,550.00
Total Fees	= \$ 4,550.00
<u>Less payments</u>	= \$ 4,550.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent is solely liable for:

<u>Forum Fees</u>	= \$ 1,500.00
Total Fees	= \$ 1,500.00
<u>Less payments</u>	= \$ 0.00
Balance Due NASD Dispute Resolution	= \$ 1,500.00

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

ARBITRATION PANEL

L. Matthew Byrd, Esq.	-	Non-Public Arbitrator, Presiding Chairperson
Stephen P. Savitt	-	Non-Public Arbitrator
David L. Walby	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures

/s/

06/09/04

L. Matthew Byrd, Esq.
Non-Public Arbitrator, Presiding Chairperson

Signature Date

/s/

06/10/04

Stephen P. Savitt
Non-Public Arbitrator

Signature Date

/s/

06/09/04

David L. Walby
Non-Public Arbitrator

Signature Date

06/14/04

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

Concurring Arbitrators' Signatures

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Non-Public Arbitrator, Presiding Chairperson

Signature Date

Stephen P. Savitt
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Non-Public Arbitrator

6/10/04
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L. Matthew Byrd, Esq.
Non-Public Arbitrator, Presiding Chairperson

6/9/2004
Signature Date

Stephen P. Savitt
Non-Public Arbitrator

Signature Date

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Non-Public Arbitrator

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Non-Public Arbitrator

6/9/2004

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