
Stipulated Award
NASD Dispute Resolution

In the Matter of the Arbitration Between:

Names of the Claimants

Phillis F. Keyes, Individually and as Trustee of the
Phillis F. Keyes Revocable Trust

Case Number: 03-02732

Names of the Respondents

UBS Financial Services Inc. f/k/a
UBS PaineWebber, Inc.
Michael Alan Furman

Hearing Site: Orlando, Florida

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

REPRESENTATION OF PARTIES

For Phillis F. Keyes ("Keyes"), Individually and as Trustee of the Phillis F. Keyes Revocable Trust ("Keyes Trust"), hereinafter collectively referred to as "Claimants": William Young, Esq., Hooper & Weiss, LLC, Orlando, Florida.

For UBS Financial Services Inc. f/k/a UBS PaineWebber, Inc. ("UBS") and Michael Alan Furman ("Furman"), hereinafter collectively referred to as "Respondents": Charles L. Pickett, Esq., Boose Casey Ciklin Lubitz Martens McBane & O'Connell, West Palm Beach, Florida.

CASE INFORMATION

Statement of Claim filed on or about: April 14, 2003.

Claimants signed the Uniform Submission Agreement: May 10, 2003.

Answer and Affirmative Defenses filed by Respondents on or about: July 31, 2003.

Respondent UBS signed the Uniform Submission Agreement: August 12, 2003.

Respondent Furman signed the Uniform Submission Agreement: August 14, 2003.

Amended Answer and Affirmative Defenses filed by Respondents on or about: October 25, 2003.

Notice of Voluntary Dismissal With Prejudice of Respondents UBS and Furman filed by Claimants on or about: June 23, 2005.

CASE SUMMARY

Claimants alleged the following causes of action: 1) breach of contract; 2) common law fraud; 3) unsuitability; 4) breach of fiduciary duty; 5) negligence; and 6) failure to supervise. The causes of action relate to investments in, including but not limited to, a variable annuity within a trust account.

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

RELIEF REQUESTED

Claimants requested: 1) compensatory damages in the amount of \$361,487.00; 2) interest from the opening of the accounts to the date of the arbitration; 3) costs; 4) attorneys' fees; 5) statutory interest; and 6) punitive damages as the undersigned arbitrators (the "Panel") deem appropriate.

Respondents requested: 1) entry of an award in their favor; 2) costs; 3) recommendation of expungement of the NASD Central Registration Depository ("CRD") record of Respondent Furman; and 4) any additional or other relief as is just and proper.

OTHER ISSUES CONSIDERED AND DECIDED

On or about July 25, 2003, Respondents submitted a Motion to Amend Answer and Affirmative Defenses by Interlineation. On or about November 21, 2003, the Panel granted the Motion to Amend Answer and Affirmative Defenses by Interlineation.

On or about April 4, 2005, the parties submitted their notification of settlement of the above captioned arbitration proceeding and requested that the above captioned arbitration proceeding remain open for the entry of a Stipulated Award. On or about April 29, 2005, the Parties submitted a proposed Stipulated Award for entry by the Panel. On or about May 19, 2005, the Panel entered an order denying execution of the proposed Stipulated Award and NASD Dispute Resolution closed the above reference arbitration proceeding. On or about May 26, 2005, Respondent Furman submitted a Motion for Reconsideration of the order dated May 19, 2005. On or about September 27, 2005, the Panel entered an order directing NASD Dispute Resolution to re-open the file for the purposes of directing expungement of the CRD records of Respondent Furman.

The parties have agreed that the Stipulated Award in this matter may be executed in counterpart copies or that a handwritten, signed Stipulated Award may be entered. In either case, the Parties have agreed to receive confirmed copies of the Stipulated Award while the original(s) remain on file with NASD Dispute Resolution.

AWARD

After considering the parties' submission, the Panel has decided in full and final resolution of the issues submitted for determination as follows:

1. Claimants' withdrawal of her claims against Respondents, with prejudice, is accepted and Respondents are dismissed from this matter.

2. This matter involved disputed claims and was settled by the parties prior to the submission of any evidence by any party, and prior to the final arbitration hearing. As the hearing did not take place, no evidence was ever submitted to this Panel by any party of any wrongdoing by Respondents. Accordingly, the Panel recommends expungement of all references to the above-captioned arbitration proceeding from Respondent Furman's registration records maintained by the NASD CRD, with the understanding that pursuant to NASD Notice to Members 99-09 and 99-54, Respondent Furman must obtain confirmation from a court of competent jurisdiction before the CRD will execute the expungement directive.

3. Any and all other claims for relief, including Claimants' claims for attorneys' fees and punitive damages, are denied.

FEES

Pursuant to the Code, the following fees are assessed:

Filing Fees

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

Initial claim filing fee = \$ 300.00

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 person at the time of the events giving rise to the dispute. Accordingly, Respondent UBS is a member firm and a party.

Member surcharge = \$1,700.00

Pre-hearing process fee = \$ 750.00

Hearing process fee = \$2,750.00

Total = \$5,200.00

Adjournment Fees

Adjournments granted during these proceedings for which fees were assessed:

October 27-29, 2004, adjournment requested by the parties = \$1,125.00

The Panel has assessed an adjournment fee of \$562.50 to Claimants, jointly and severally.

The Panel has assessed an adjournment fee of \$562.50 to Respondents, jointly and severally.

Three-Day Cancellation Fees

Fees apply when a hearing on the merits is postponed or settled within three business days before the start of a scheduled hearing session:

The Panel has assessed a three-day cancellation fee of \$150.00 to Claimants, jointly and severally.

The Panel has assessed a three-day cancellation fee of \$150.00 to Respondents, jointly and severally.

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.

There were no injunctive relief fees assessed during these proceedings.

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 Panel @ \$1,125.00/ session	= \$1,125.00
Pre-hearing conference: November 20, 2003 1 session	
<hr/>	
Total Forum Fees	= \$1,125.00

The Panel has assessed \$562.50 of the forum fees to Claimants, jointly and severally.

The Panel has assessed \$562.50 of the forum fees to Respondents, jointly and severally.

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 not limited to, additional copies of arbitrator awards, copies of audio transcripts, retrieval of documents from archives, interpreters, and security.

There were no administrative costs incurred during these proceedings.

Fee Summary

Claimants are jointly and severally liable for:

Forum Fees	= \$ 562.50
Adjournment Fee	= \$ 562.50
Three-Day Cancellation Fee	= \$ 150.00
Initial Filing Fee	= \$ 300.00
Total Fees	= \$1,575.00
Less payments	= \$1,575.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondent UBS is liable for:

<u>Member Fees</u>	= \$5,200.00
Total Fees	= \$5,200.00
<u>Less payments</u>	= \$5,200.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondents are jointly and severally liable for:

Adjournment Fee	= \$ 562.50
Three-Day Cancellation Fee	= \$ 150.00
<u>Forum Fees</u>	= \$ 562.50
Total Fees	= \$1,275.00
<u>Less payments</u>	= \$1,275.00
Balance Due NASD Dispute Resolution	= \$ 0.00

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

ARBITRATION PANEL

<i>Charles Tindell, Esq.</i>	-	<i>Public Arbitrator, Presiding Chairperson</i>
<i>Ron Pekoe</i>	-	<i>Public Arbitrator</i>
<i>Sean T. Wright</i>	-	<i>Non-Public Arbitrator</i>

Concurring Arbitrators' Signatures

<u> /s/ </u>	<u>10/30/05</u>
Charles Tindell, Esq.	Signature Date
Public Arbitrator, Presiding Chairperson	

<u> /s/ </u>	<u>9/30/05</u>
Ron Pekoe	Signature Date
Public Arbitrator	

<u> /s/ </u>	<u>9/30/05</u>
Sean T. Wright	Signature Date
Non-Public Arbitrator	

10/3/05
Date of Service (For NASD Dispute Resolution office use only)

Sep 30, 20

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 Arbitration No. 03-02732
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Respondent UBS is liable for:

Member Fees	= \$5,200.00
Total Fees	= \$5,200.00
Less payments	= \$5,200.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondents are jointly and severally liable for:

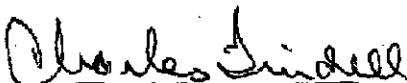
Adjournment Fee	= \$ 562.50
Three-Day Cancellation Fee	= \$ 150.00
Forum Fees	= \$ 562.50
Total Fees	= \$1,275.00
Less payments	= \$1,275.00
Balance Due NASD Dispute Resolution	= \$ 0.00

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

ARBITRATION PANEL

Charles Lindell, Esq.	-	Public Arbitrator, Presiding Chairperson
Ron Pekoe	-	Public Arbitrator
Sean T. Wright	-	Non-Public Arbitrator

Concurring Arbitrators' Signatures



Charles Lindell, Esq.
 Public Arbitrator, Presiding Chairperson

10-3-05
 Signature Date

 Ron Pekoe
 Public Arbitrator

 Signature Date

 Sean T. Wright
 Non-Public Arbitrator

 Signature Date

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NASD Dispute Resolution
Arbitration No. 03-02732
Stipulated Award Page 5

Respondent UBS is liable for:

<u>Member Fees</u>	= \$5,200.00
<u>Total Fees</u>	= \$5,200.00
<u>Less payments</u>	= \$5,200.00
<u>Balance Due NASD Dispute Resolution</u>	= \$ 0.00

Respondents are jointly and severally liable for:

<u>Adjournment Fee</u>	= \$ 562.50
<u>Three-Day Cancellation Fee</u>	= \$ 150.00
<u>Forum Fees</u>	= \$ 562.50
<u>Total Fees</u>	= \$1,275.00
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<u>Balance Due NASD Dispute Resolution</u>	= \$ 0.00

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ARBITRATION PANEL

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<i>Ron Pekoe</i>	-	<i>Public Arbitrator</i>
<i>Sean T. Wright</i>	-	<i>Non-Public Arbitrator</i>

Concurring Arbitrators' Signatures

 Charles Tindell, Esq.
 Public Arbitrator, Presiding Chairperson

 Signature Date

 Ron Pekoe
 Public Arbitrator

 Signature Date

 Sean T. Wright
 Non-Public Arbitrator

 Signature Date

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

Sep. 30. 2005 10:52AM

NASD

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Arbitration No. 03-02732
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to: Matt / Kevin R.

Respondent UBS is liable for:

Member Fees	= \$5,200.00
Total Fees	= \$5,200.00
Less payments	= \$5,200.00
Balance Due NASD Dispute Resolution	= \$ 0.00

Respondents are jointly and severally liable for:

Adjournment Fee	= \$ 562.50
Three-Day Cancellation Fee	= \$ 150.00
Forum Fees	= \$ 562.50
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Balance Due NASD Dispute Resolution	= \$ 0.00

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ARBITRATION PANEL

Charles Tindell, Esq.

Ron Pekoe

Sean T. Wright

- Public Arbitrator, Presiding Chairperson

- Public Arbitrator

- Non-Public Arbitrator

Concurring Arbitrators' Signatures

Charles Tindell, Esq.

Public Arbitrator, Presiding Chairperson

Signature Date

Ron Pekoe

Public Arbitrator

Signature Date

Sean T. Wright

Non-Public Arbitrator

Signature Date

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